

19th November 2012

PLANNING COMMITTEE - 28TH NOVEMBER 2012

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 28th November 2012 in the Council Chamber, Town Hall, Rugby.

Site Visit

A site visit will be held at the following time and location.

3.00pm 53 North Road, Clifton-upon-Dunsmore.

Andrew Gabbitas
Executive Director

Note: Members are reminded that, when declaring interests, they should declare the existence and nature of their interests at the commencement of the meeting (or as soon as the interest becomes apparent). If that interest is a pecuniary interest, the Member must withdraw from the room unless one of the exceptions applies.

Membership of Warwickshire County Council or any Parish Council is classed as a non-pecuniary interest under the Code of Conduct. A Member does not need to declare this interest unless the Member chooses to speak on a matter relating to their membership. If the Member does not wish to speak on the matter, the Member may still vote on the matter without making a declaration.

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.
To confirm the minutes of the meeting held on 7th November 2012.
2. Apologies.
To receive apologies for absence from the meeting.
3. Declarations of Interest.
To receive declarations of –

(a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;

(b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and

(c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

4. Applications for Consideration.
5. Overview of Development Control Performance following Systems Thinking Review.
6. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.
7. Delegated Decisions – 26th October – 15th November 2012.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

Any additional papers for this meeting can be accessed via the website.

The Reports of Officers (Ref. PLN 2012/13 – 11) are attached.

Membership of the Committee:-

Councillors Butlin (Chairman), Allen, Mrs Avis, G Francis, M Francis, Mrs New, Pacey-Day, Ms Robbins, Sandison, Srivastava, Helen Walton and Wright.

If you have any general queries with regard to this agenda please contact Claire Waleczek, Democratic and Scrutiny Services Officer (Team Leader)(01788 533524 or e-mail claire.waleczek@rugby.gov.uk). Any specific queries concerning reports should be directed to the listed contact officer.

If you wish to attend the meeting and have any special requirements for access please contact the Democratic and Scrutiny Services Officer named above.

**RUGBY BOROUGH COUNCIL
PLANNING COMMITTEE – 28TH NOVEMBER 2012
REPORT OF THE HEAD OF PLANNING AND CULTURE
APPLICATIONS FOR CONSIDERATION**

Planning applications for consideration by Committee are set out as follows:

- (i) applications recommended for refusal with the reason(s) for refusal (pink pages)
- (ii) applications recommended for approval with suggested conditions (yellow pages).

RECOMMENDATION

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for Refusal

Item	Application Ref Number	Location Site and Description	Page number
1	R12/0833	Land South Side of Top Road, Barnacle The mixed use of land as a paddock and for the siting of residential caravans, trailers and commercial vehicles, including the formation of hard standings and the erection of timber shed buildings insofar as it relate to the creation of 2 pitches only.	4
2	R12/1225	Land on the West Side of Oxford Road (Sunrise Park), Ryton-on-Dunsmore Application for Removal of Condition 1 (the use of the land for a limited period of 4 years) of Planning Permission APP/E3715/C/09/2110115 (R09/0291/MDPT) granted on appeal on 4th February 2010 to allow the permanent occupation of the land by the applicants. (Re-submission of previously withdrawn application R11/0059 dated 25/07/2011).	16
3	R12/1572	Hill House Farm, Birdingbury Road Rugby, Siting of a mobile home for a period of three years for use as a temporary rural worker's dwelling (retrospective) (Re-submission of previously withdrawn application R12/0535)	28

Recommendations for Approval

Item	Application Ref Number	Location Site and Description	Page number
4	R12/1858	42A Ashlawn Road, Rugby Erection of two storey rear extension and loft conversion	34

5	R12/1291	Rugby Gateway, Phase R1, Leicester Road, Rugby Variation of conditions 2 & 15 of planning permission R10/1281 (Erection of 244 dwellings with associated open space, infrastructure and ancillary works; alteration to Brownsover Lane and junction with existing roundabout) to make alterations to the layout involving the substitution and repositioning of plots, removal of bus stops and removal of pedestrian crossing.	38
6	R12/0055	53 North Road, Clifton Upon Dunsmore Erection of single storey and two storey extensions to front and first floor and single storey extensions to rear	56
7	R12/1931	9 The Green, Bilton, Rugby, CV22 7LZ. Erection of a two storey side and rear and a single storey rear extension (Amendment to a previously approved scheme under planning reference number R12/0805 granted 5th July 2012 for the erection of a two storey side and rear and a single storey rear extension)	64

Reference number: R12/0833

Site address: Land South Side of Top Road, Barnacle

Case Officer Name & Number: Nathan Lowde 01788 533725

Proposal The mixed use of land as a paddock and for the siting of residential caravans, trailers and commercial vehicles, including the formation of hard standings and the erection of timber shed buildings insofar as it relate to the creation of 2 pitches only.

Description of Proposals

The application site also known as the Paddocks, currently benefits from a temporary consent for a mixed use of the land as a paddock and for the siting of residential caravans, trailers and commercial vehicles, including the formation of hard standings and the erection of timber shed buildings insofar as it relate to the creation of 1 pitches only.

The proposal seeks the mixed use of land as a paddock and for the siting of residential caravans, trailers and commercial vehicles, including the formation of hard standings and the erection of timber shed buildings insofar as it relates to the creation of 2 pitches only.

The proposal therefore seeks the creation of an additional pitch for the applicant Tom Gaskin. This will include the siting of one mobile and one touring caravan together with the formation of hard standing.

Description of Site

The site lies on the south side of Top Road, Barnacle and is some 0.8km to the west of the small settlement of Barnacle. Barnacle is a small hamlet with a population of circa 250 people with very limited commercial and community facilities comprising solely of a village hall and Chapel. It has no shops, schools, public houses, or other retail facilities. The nearest facilities are located in Bulkington, Coventry, which is approximately 2km from the centre of Bulkington. There is no regular bus service, and no provision for a footpath along Top Road (D2305). Top Road is an unclassified country lane with mainly soft verges and hedges and is subject to national speed limits. The road is rural in character notably due to the absence of signage, kerbs and street lighting.

The surrounding area is flat open countryside in which the pattern of development largely comprises of agricultural and equestrian development. Some 150m west of the site is an unauthorised gypsy site comprising of 25 to 29 separate pitches (Top Park) which is currently subject to appeal.

Relevant planning history

R10/1730	Change of use of land for use as a residential caravan Refused	site for
01-Dec-2010	gypsy families, comprising of 3 no. pitches and the siting of 3 mobile homes and 3 touring caravans including ancillary works and the erection of three timber buildings (part retrospective).	

In November 2011 a public inquiry was held at Rugby Borough Council into seven appeals on the south side of Top Road Barnacle. The Inspector, Mr Antony Fussey dismissed the appeal against the refusal of planning permission. His decision in respect of the six section 174 enforcement notice appeals was more complex. He allowed the appeals in part:

- Varying the compliance period;
- Allowing Appeals A and D in part and granting planning permission for (a) the change of use of the land from paddock to a mixed use of paddock and for the siting of residential caravans, trailers and commercial vehicles, and for (b) the formation of hard standings and erection of timber shed buildings insofar as (a) and (b) relate to the creation of one pitch only, subject to seven conditions;

- Dismissing Appeals A and D and upholding the enforcement notice other than in respect of the one pitch for which he was granting planning permission.

Tom Gaskin has challenged the appeal decision in the High Court. This challenge is due to be determined at the end of this year.

Planning policies and guidance

Regional Spatial Strategy

Policy CF5 Delivering affordable housing and mixed use communities

Policy QE1 Conserving and Enhancing the Environment

Policy QE6 The conservation, enhancement and restoration of the Region's landscape

However, it should be noted that whilst the RSS remains part of the Development Plan its pending abolition means the actual weight apportioned to these policies is limited.

Rugby Borough Council LDF Core Strategy 2011

CS1: Development Strategy Conflicts

CS16: Sustainable Design and Construction Conflicts

CS22: Gypsy, Travellers and Travelling Showpeople. Conflicts

Warwickshire County Council Landscape Assessment of the Borough of Rugby 2006

Saved Local Plan Policies (Post Core Strategy Adoption)

E6 Biodiversity complies

National Planning Policy Guidance

National Planning Policy Framework 2012

Planning Policy for traveller sites

Third party comments

Neighbours (82 Household Objections)
(113 Individual letters)

- Inspector Antony Fussey in his appeal decision on 12 December 2011 paragraph 84 states Tom Gaskin has a suitable, available, alternative to this site in the Green Belt
- Little compliance with conditions attached to this temporary permission
- This area of countryside is being eroded by a sprawl of unplanned development resulting in a valuable amenity being lost
- Totally out of character with the area
- This rural countryside is being spoilt
- No provision along Top Road or Coventry Road for pedestrians or public transport
- Top Road is a narrow country lane unsuitable for the volume of traffic being generated
- No shops within the immediate area
- Bulkington is already struggling to cope
- Disproportionate number of gypsy and traveller sites within the immediate area
- Land is within the Green Belt and no special circumstance exist
- No convenient walking access to amenities including schools and doctors
- National government recommendations are to prevent large groups of travellers dominating rural communities
- Contrary to national Green Belt policies
- Alternative site is available at Woodside Park for the applicant
- Harmful visual impact of the gypsy site which affects walkers using the Coventry Way
- Increased volume of traffic through Barnacle
- Occupiers of these gypsy sites travel through the village at high speed

- Negative impact upon wildlife
- Concerns about the additional area of hard-standing proposed
- Privacy of neighbours will be compromised
- Noise and disturbance from commercial activities
- No indication of where waste will go
- Loss of light
- Inappropriate use of land
- The area is Green Belt. This development is inappropriate and detrimental to the rural aspect of the land. As such it is in direct opposition to planning policies. Green Belt land should only be developed as the last resort. As this family has come from an established site with planning permission and been offered alternative sites this cannot be described as a last resort.
- As the land is flat the visual impact of the site is considerable over some distance in many directions. It is certainly apparent to users of the Coventry Way footpath. What was once a pleasant road with mature trees and hedges is becoming a wasteland of fences and caravans. It is no coincidence that the trees near all existing sites have gone. This must not be allowed to happen here.
- Local health facilities and schools do not have the capacity to support more children arriving unplanned.
- Sewage arrangement of the existing site is inadequate and have caused damage to trees, hedgerows and ditches
- Over 16 traveller sites within the area, RBC and NBBC need to work together to resolve this issue
- At the last public inquiry it was determined that only one caravan and one mobile home was sufficient to meet a perceived special need with all other options ruled out.
- The rapid change of use and development of these sites within the local area has already created a considerable impact on the local infrastructure and amenities causing additional hardship to the existing community
- Increase in criminality and anti-social behaviour

Shilton Parish Council Objection

- The application is within the Green Belt. No very special circumstances have been demonstrated as to why this development needs to be sited in this location. The Green Belt should be protected against inappropriate development, and this part of Top Road is subject to continuous development applications that is significantly changing the look and nature of the area.
- The application is located immediately next to a site with temporary permission, and the cumulative effect of this is for the site to have a noticeable impact - including through significant light pollution.
- The applicant has already been refused permission, on appeal, to reside in this location, and it was clear that no attempt had been made by him to find other suitable accommodation. It is unacceptable to continually re-submit application after application, without any significant change in circumstances, simply to extend the period of residence without planning permission.
- Planning policies exist to protect the Green Belt. There is no special reason demonstrated why the applicant needs to live in this location. The impact of development in this part of Top Road significantly changes the appearance and 'look' of the area (including to those people using The Coventry Way footpath), and therefore the application should be refused.

Nuneaton and Bedworth
Borough Council

- The site is located within the Green Belt and the proposed development of this land for new gypsy traveller pitches would therefore be inappropriate development. The Council has no objection to this development, providing Rugby Borough Council

are satisfied that relevant special circumstances exist to override the harm that would otherwise be caused to the Green Belt.

Coventry City Council - no objection

Technical consultation responses

Environmental Services – no objection subject to conditions

Severn Trent Water - no objection

WCC Ecology - Recommend that should planning permission be granted, informative are attached.

WCC Highways - No objection subject to conditions

Assessment of proposal

Gypsy Status

It is accepted that the appellants and the occupiers are gypsies and travellers in terms of planning policy and falls within the definition of gypsies and travellers in Annex 1 to the PPTS.

Policy Background.

The 'dominant' policy for the consideration of the merits of this application as contained within the Core Strategy is Policy CS22.

The first part of this policy states that 'the Council will allocate land to accommodate the following requirements for Gypsies and Traveller' 48 residential pitches and 5 transit pitches within the time frame of 2007-2012. These figure are informed by the 2008 Gypsy and Traveller Accommodation Assessment (GTAA). Within this time frame the Council has granted permission for a total of 19 pitches leaving a shortfall of 29 pitches.

The allocation of pitches pursuant to the provision of Policy CS22 is to be informed by updating the GTAA on a regular basis and as such the pitch allocation requirements will be updated through the 'GTAA process'. Presently the LPA is undertaking a local needs assessment. A 'call for sites' commenced in June 2012 as part of the preparation of the Gypsy and Traveller Site Allocation DPD.

Policy CS22 acknowledges that 'the outcome of the future GTAAs (or local assessments) will assist the Council, if necessary, in identification and allocation of land for sites for pitches in the Gypsy and Traveller Site Allocations DPD, and in the determination of applicable planning applications.

The Borough Council's Cabinet approved the Local Development Scheme on 18th April 2011, which sets out the timetable for the future preparation of Development Plan Documents.

The future timetable for the preparation of the Gypsy & Travellers Site Allocations DPD was reviewed following on from the Local Development Framework (LDF) Core Strategy Examination which ended in mid January. It is now expected that the Borough Council will have an adopted DPD by the end of 2014.

Policy CS22 adopts a sequential approach to site location 'having regard to need, and the site suitability, availability and viability in the following order of preference. A site situated within Green Belt as is the case of this application site is the least preferable. This sequential approach for Gypsy and

Traveller sites is consistent with the spatial strategy of the NPPF. This is a criteria based policy that states that permanent sites will be permitted provided that the following criteria are clearly satisfied:

- The site will be assessed on a sequential approach to its location having regard to need (as identified in the GTAA or local assessment), and the sites suitability, availability and vitality, in the following order of preference:
- The site is within an urban area; before
- The site is within a Main Rural Settlement; before
- The site is within the Countryside;
- The site is within the Green Belt.

The policy requires evidence to be submitted with any planning application to demonstrate compliance with the requirements of the sequential approach.

A site situated within Green Belt as is the case of this application site is the least preferable. This approach is consistent with the Development Strategy as contained within CS1. Policy CS22 requires 'evidence to be submitted with any planning application to demonstrate compliance with the requirements of this sequential approach'.

Issues relating to the sequential approach to development locations and in particular the impact on the Green Belt is covered in section 2 below.

There is a clear statement within CS22 and CS1 that only where national policy on Green Belt allows will development be permitted. The development as proposed is not one of the limited forms of development that may be considered 'appropriate development' in the Green Belt, and therefore inappropriate development that is, by definition, harmful to the Green Belt. Inappropriate development will not be permitted unless there are very special circumstances that will outweigh the harm by reason of inappropriateness. As an inappropriate form of development in the Green Belt, the onus falls on the applicant to demonstrate that there are 'very special circumstances' why planning permission should be granted for development that is harmful to the Green Belt.

Green Belt.

Around two-thirds of the administrative area of Rugby Borough lies within the Green Belt. The application site itself is located within the Green Belt. Within the Framework, the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.

The development constitutes inappropriate development in the Green Belt and as such the development is by definition harmful to the fundamental purposes of including land within the Green Belt, and cannot maintain 'openness'. Policy E of the Planning Policy for Traveller Sites states that traveller sites in the Green Belt are inappropriate development.

One of the five purposes served by the Green Belt is to assist in safeguarding the countryside from encroachment. By reason of the development proposed, the scheme would encroach into the countryside. The development does not contribute to any of the objectives for the use of land in Green Belt.

Underlying objectives for the use of land in the Green Belt include:-

- To provide opportunities for access to the open countryside for the urban population
- To retain attractive landscapes, and enhance landscapes, near to where people live

This form of development, would detract from the 'positive' roles for the use of land in the Green Belt.

The Core Strategy places the Green Belt as the least preferred location for new development, including the provision of gypsy sites. Policy CS22 places a specific requirement on the applicant to demonstrate compliance with the sequential approach to the selection for Gypsy and Travellers sites. No substantial evidence has been submitted to demonstrate that a site search and assessment has been carried out, to meet the requirements of Policy CS22, before submitting the latest planning application. Therefore, the proposal as submitted does not comply with Core Strategy Policy CS22.

The Framework provides that inappropriate development should not be approved except in very special circumstances, and that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. As an inappropriate form of development in the Green Belt, the onus falls on the appellant to demonstrate that there are 'very special circumstances' why planning permission should be granted that is harmful to the Green Belt.

In the 2011 appeal decision, the Inspector in coming to his decision found that the inappropriateness of the development in the Green Belt, the harm to openness and visual amenity, the lack of community cohesion, and the availability of alternatives, including immediately at Woodside Park together have substantial weight against the appeal.

The Inspector found that the harm arising from the proposed 3 pitches and the deemed application was so substantial that it is not clearly outweighed by the promoted material consideration, either individually or collectively, and that there are no special circumstances to justify the grant of a permanent planning permission for any level of development. Such a permission would be contrary to policy CS22 and the provisions of PPG2 (now superceded).

The Inspector did consider that Mr Brinkley's personal circumstances prevented the offered pitch at Woodside Park being at present a reasonable acceptable alternative for him, and also that it would be very beneficial for his daughter and her family to be available as carers. The Inspector concluded that a change in scenario of permitting one pitch for a temporary period would reduce the impact on the openness of the Green Belt and on its visual amenity. The inspector also found that a temporary permission would allow Leonard Jnr to complete his primary schooling.

The proposed application would increase harm to the openness of the Green Belt and the visual amenity of the area, When compared to the form of development that has been permitted.

The 'material consideration' advanced by the applicant are:

- a. The need for further gypsy and traveller nationally, regionally and locally
- b. Unavailability of suitable alternative sites
- c. The families personal circumstances particularly health and education needs
- d. Deficiencies with Development Plan policy provision for Gypsy and Traveller caravan sites in Rugby
- e. The consequence of the application being dismissed for the family
- f. Human rights considerations

a. The general need for, and provisions of traveller site in the Borough

Core Strategy Policy CS22 has identified an intension for the Council to allocate 48 residential pitches within the period of 2007-2012 – with this provision reviewed by the evidence from updated assessment. The figures set out within this policy were derived from the Southern Staffordshire and Northern Warwickshire Gypsy and Traveller Accommodation Assessment (GTAA) published in February 2008. It is acknowledged that at present the level of provision identified has not been met. The current level of need to-date stands at 29 pitches.

It has been accepted by various appeal Inspectors that there is an unmet need within the Borough for Gypsy and Traveller pitches. The Council accept that there is a general need and that the level of provision identified has not been met. However, the Borough Council has an adopted Core Strategy which sets out within policy CS22 the provisions for sites that is to be met – subject to updated

assessment of needs. A timetable has been set out for the preparation of a Site Allocations Document, which commenced in June of this year. The Council is also undertaking a local assessment that will assist the Council in the identification and allocation of sites for Gypsy and Traveller pitches.

The PPTS Policy H paragraph 25 states that if Local Planning Authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. Paragraph 28 states that paragraph 25 only applies to applications for temporary planning permission for traveller sites made 12 month after this policy come into force. Whilst the level of unmet need within the borough is a material consideration in favour of the granting of a temporary planning permission, it should not in itself be a justification for inappropriate development within the Green Belt – when no evidence has been presented that such a need could not be met beyond the Green Belt, or met from an existing authorised site within the Green Belt, so as to avoid a new incursion into the Green Belt.

b. the availability (or lack) of alternative accommodation for the applicants

In the 2011 appeal, the inspector considered that the offer of a family pitch at Woodside Park was genuine and was a suitable and available alternative to Tom Gaskin the applicant. Since the appeal decision Mr Gaskin has not approached the Council to take up the Council's offer of accommodation at Woodside Park. This offer still remains open.

The Council has on the 19th July written to the applicant's agent to draw to their attention that the Council own a large portion of land at Woodside Park which has valid planning permission for a specific style of development, however as yet this area remain undeveloped. The land could be developed with a different layout, to suit potential residents. The area of land is approximately 160m x 23m. The majority of the site infrastructure provision and connections are already established, so the cost of development is likely to be comparatively lower than a new site. The letter invites the applicant to contact the Council should they be interested in developing this area. No response to this letter has been received.

The applicants states that there exists a feud with a member of the Gaskin family who lives on Woodside and as such for Mr Gaskin to reside on the land would cause friction. The Inspector in the 2011 appeal decision addressed this feud at paragraphs 76-79 of the decision letter. The applicants have produced two documents which comprise of a letter from the landlord of a Public House and Dr Michael Abdou. These letters make reference to a feud between Tom Gaskin and a resident who lives at Woodside Park, in which Mr Gaskin sustained a head injury. Mr Tom Gaskin appeared as a Witness at the Inquiry in 2011 and chose not to submit this evidence during the course of the inquiry. The landlord of the public house did not consider the matter to be sufficiently serious to involve the police, and the evidence from the doctor is dependant on what Tom Gaskin has told him. The letters are therefore based on anecdotal comment only and as such little weight should be given to these letters.

The Council are of the opinion that there are developed and undeveloped pitches at Woodside Park that are suitable, available and affordable for the applicant.

Within the application the applicants have not submitted any evidence to show that non Green Belt locations for residence have been considered. The Council would expect evidence of correspondence from local estate agencies and adjoining local authorities enquiring of suitable non Green Belt locations, to be consistent with the requirements of PPTS and the sequential approach required in CS22 of the Core Strategy. It is therefore considered that the applicant has failed to consider alternative non Green Belt locations and as such the requirements of PPTS and CS22 in this respect have not been met.

c. The families personal circumstances particularly health and education needs

No evidence has been submitted relating to the health and education needs of Tom Gaskin, his wife and children, so no weight can be attached to this.

d. Deficiencies with Development Plan policy provision for Gypsy and Traveller caravan sites in Rugby

Within the submitted Design and Access Statement it does not identify what they consider the deficiencies are. Within a later email dated 19th October the applicant's agent does state that these deficiencies are the failure of the Borough Council to allocate sites to address the clear unmet need.

The Borough Council's Cabinet approved the Local Development Scheme on 18th April 2011, which sets out the timetable for the future preparation of Development Plan Documents.

The future timetable for the preparation of the Gypsy & Travellers Site Allocations DPD was reviewed following on from the Local Development Framework (LDF) Core Strategy Examination which ended in mid January. It is now expected that the Borough Council will It is now expected that the Borough Council will have an adopted DPD by the end of 2014.

The call for sites has now commenced on the 22nd June 2012, and a further call for sites is expected to commence in December 2012. The Council has also undertaken a needs survey which will be used to assess the need within the Borough alongside the GTAA. The applicant's agent was notified on the 19th July 2012 of the call of sites as part of the Strategic Land Availability Assessment (SLAA), but has not proposed this site for consideration as part of the Gypsy and Traveller Site Allocation DPD.

Notwithstanding the possible delay to DPD production, it is important to note that the Borough Council is committed to carrying out the work to identify sites to meet the unmet need identified in the 2008 Gypsy & Traveller Accommodation Assessment (GTAA). The Borough Council has demonstrated a commitment to produce the Gypsy and Travellers Site Allocations DPD, by its inclusion in the approved Local Development Scheme. It is anticipated that a review of the Rugby Borough Council part of the GTAA will be carried out later in 2011 as part of the evidence gathering stage of the DPD. This will be followed by a call for potential sites for inclusion in the DPD.

Other Material Consideration

Beyond the sequential approach, policy CS22 requires the suitability of the site to be considered. The criteria set out within policy CS22 requires 1) The site is cumulatively appropriate and proportionate in scale to the nearest settlements, its local services and infrastructure; 2) Vehicular access into the site via the public highway is appropriate; 3) The site is capable of sympathetic assimilation into the surroundings; 4) If screening is required, suitable landscaping and planting will be provided and maintained by the developer; and 5) development of the site will not cause unacceptable nuisance to existing neighbours by virtue of noise and other disturbance caused by movement of vehicles to and from the site.

1) The site is cumulatively appropriate and proportionate in scale to the nearest settlements, its local services and infrastructure

The Inspector in the 2011 appeal decision found that the development before him which was for 3 pitches would not create a cumulative burden on services and infrastructure in Barnacle. As such the change of use of the land as proposed would not have a cumulative burden on services and infrastructure in Barnacle.

2) Vehicular access into the site via the public highway is appropriate

Following consultation with Warwickshire County Council Highway Authority it is considered subject to conditions that the proposed development would not be detrimental to highway safety.

3 and 4) The site is capable of sympathetic assimilation into the surrounds

The Warwickshire County Council Landscape Assessment of the Borough of Rugby 2006 identifies this area of the Borough as High Plateau Cross and the Inspector in the 2011 appeal decision described the site as having a “strong impression of emptiness”. The Inspector stated “I see no reason to disagree when the Assessment identifies the area as having a high overall sensitivity”.

The Inspector in the 2011 appeal decision found that the development before him which was for 3 pitches was harmful to the character and appearance of this sensitive landscape and the visual amenity of the Green Belt contrary to policy QE1 as contained within the RSS and policy CS16 as contained within the Core Strategy. The inspector, considered that allowing the mixed use of the site for a temporary period of 3 years but limited to 1 pitch would have a reduced impact upon the visual amenities of the area. The proposed application would increase the impact upon the current mixed use of the land to the detriment of the visual amenities of the area, contrary to policy CS16 as contained within the Core Strategy and policy QE1 of the RSS. The applicant’s agent stated within an email dated 19th October 2012 that the Planning Policy for Traveller Sites accepts that gypsy sites can be acceptably located within rural and semi-rural settings and as such some visual impact and resulting harm must therefore be accepted. However, with an underlying objective to promote peaceful and integrated co-existence between the site and the local community, paragraph 23 states: *‘Local planning authority should strictly limit new traveller site development in the open countryside that is away from existing settlements ...’* It is the Council’s considered opinion that the site is located within the ‘open countryside’ and the use as a gypsy site is most unlikely to promote integration’.

It is considered that the proposed development would have a harmful impact upon the character and appearance of the landscape and the visual amenity of the area and the Green Belt.

5) Development of the site will not cause unacceptable nuisance to existing neighbours by virtue of noise and other disturbance caused by the movement of vehicles to and from the site

Given the distance of the application site to nearby neighbouring properties it is not considered that the proposal would impact upon the residential amenity of nearby neighbouring properties.

Biodiversity

Following consultation with Warwickshire County Council’s Ecology Unit it is not considered that the proposed change of use would impact upon protected species/habitats in accordance with ‘saved’ policy E6 of the Local Plan 2006.

Temporary permission

Paragraph 28 states that if a Local Planning Authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering an application for the grant of temporary planning permission. The applicant’s agent states that temporary permission should be granted on the basis that suitable sites may be available at the end of the temporary permission, and that the material considerations that the applicant’s have identified as outlined above outweigh the harm by reason of inappropriateness together with the other harm identified to amount to very special circumstances sufficient to justify a temporary planning permission. As identified above the Council accept that there is a clear unmet need within the

Borough and this need is being addressed through the Gypsy & Travellers Site Allocations DPD which is to be adopted in by May 2014. The Inspector in the 2011 appeal decision was aware of this outstanding need within the Borough but considered that Woodside Park was a suitable alternative for Mr Tom Gaskin and as such did not consider the necessity for Mr Tom Gaskin to reside on the application site. Notwithstanding the letters submitted in support of this application, the Council are of the considered opinion that the Woodside Park remains a suitable alternative for the applicant. As such the Council consider that given the alternatives available to the applicant, the grant of planning permission would not be justified on a temporary basis.

Human Rights

In reaching this decision consideration has been given to the human rights of the intended occupants of the application site. If planning permission is refused, the applicants would be unable to use their land to provide their families with a home at this site. This would represent an interference with their right under Article 8 of the European Convention on Human Rights. However, this has been balanced and weighted against the alternative available to the applicant, wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance and refusal of permission is considered proportionate to the circumstances of this case.

Recommendation

Refusal

DRAFT DECISION

APPLICATION NUMBER

R12/0833

DATE VALID

22/06/2012

ADDRESS OF DEVELOPMENT

LAND SOUTH SIDE OF
TOP ROAD
COVENTRY
CV7 9FS

APPLICANT/AGENT

Mr Tom Gaskin
Land South Side Of
Top Road
Coventry
Warwickshire
CV7 9FS

APPLICATION DESCRIPTION

The mixed use of land as a paddock and for the siting of residential caravans, trailers and commercial vehicles, including the formation of hard standings and the erection of timber shed buildings insofar as it relate to the creation of 2 pitches only.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Regional Spatial Strategy

Policy CF5 Delivering affordable housing and mixed use communities

Policy QE1 Conserving and Enhancing the Environment

Policy QE6 The conservation, enhancement and restoration of the Region's landscape

Rugby Borough Council LDF Core Strategy 2011

CS1: Development Strategy

CS16: Sustainable Design and Construction
CS22: Gypsy, Travellers and Travelling Showpeople.

Warwickshire County Council Landscape Assessment of the Borough of Rugby 2006

National Planning Policy Guidance
National Planning Policy Framework 2012
Planning Policy for Traveller Sites 2012

The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site www.rugby.gov.uk or at the Council Offices.

REASON FOR REFUSAL 1

The site is located in the Green Belt where there is a presumption against inappropriate development. It is the policy of the Local Planning Authority, as set out in the Development Plan and having regard to the NPPF not to grant planning permission except in very special circumstances, for new buildings other than for the purposes of agriculture and forestry, outdoor sports and recreation facilities, cemeteries and other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it, for the limited extension, alteration or replacement of existing buildings and for limited infill in specified villages.

It is considered that the proposed change of use of land for the mixed use of land as a paddock and for the siting of residential caravans, trailers and commercial vehicles, including the formation of hard standings and the erection of timber shed buildings insofar as it relate to the creation of 2 pitches only, constitutes inappropriate development which is, by definition, harmful to the Green Belt and would have adverse impact on the openness of the Green Belt. The proposal conflicts with one of the purposes the Green Belt serves, which is to assist in safeguarding the countryside from encroachment.

In the opinion of the Local Planning Authority, there are no special circumstances, which would justify the granting of planning permission for and the change of use of land as proposed in the face of a strong presumption against inappropriate development derived from the prevailing policies. The proposed development is therefore contrary to policies CS1 and CS22 of the Rugby Borough Core Strategy 2011 and the NPPF.

REASON FOR REFUSAL 2

The development would have a harmful impact upon the character and appearance of the landscape and the visual amenity of the area and the Green Belt by introducing substantial built development and other features, together with associated activity that would be contrary to policy CS16 of the Rugby Borough Core Strategy 2011.

REASON FOR REFUSAL 3

Policy H of the Planning Policy for Traveller Sites states that Local Planning Authorities should consider amongst other things the availability of alternative accommodation for the applicant. It is considered that suitable, available, acceptable and affordable alternative accommodation is available to the applicant. The proposal is therefore contrary to guidance contained with Policy H.

REASON FOR REFUSAL 4

The proposed development lies outside any defined settlement boundary in a countryside location which forms part of the designated West Midlands Green Belt. Therefore, the proposal would not accord with the sequential approach taken in controlling development within rural areas and would thus be contrary to Policy CS22 of the adopted Rugby Borough LDF Core Strategy, 2011.

REASON FOR REFUSAL 5

The development is located within the 'open countryside' that is away from existing settlements, and as such fails to promote community cohesion and integration with settled communities contrary to guidance contained within the Planning Policy For traveller Sites.

Reference number: R12/1225

Site address: Land on the West Side of Oxford Road (Sunrise Park), Ryton-on-Dunsmore

Description: Application for Removal of Condition 1 (the use of the land for a limited period of 4 years) of Planning Permission APP/E3715/C/09/2110115 (R09/0291/MDPT) granted on appeal on 4th February 2010 to allow the permanent occupation of the land by the applicants. (Re-submission of previously withdrawn application R11/0059 dated 25/07/2011).

Case Officer Name & Number: Nathan Lowde 01788 533725

The Proposal:

This application relates to an area of land located on the south-western side of Oxford Road (A423), opposite the junction with Freeboard Lane, approximately 2.0 km south of Ryton-on-Dunsmore and approximately 2.0 km north of Princethorpe. It lies within the parish of Ryton.

The site lies within open countryside which forms part of the Green Belt.

There are mature trees and hedging on the application site frontage to the A423, with a mature hedgerow along the south-eastern boundary and a bund along the western boundary. There is an existing gypsy site (Woodside Park – which is partly owned by the Borough Council) to the west with Ryton Wood (An SSSI) beyond. A small temporary gypsy site is also located immediately to the north.

Until early 2009, the application site was in agricultural use, when the site was occupied by a large family of travellers who had moved off existing pitches at Woodside Park. Retrospective planning permission was granted on appeal on 4th February 2010 for 10 gypsy pitches, associated amenity buildings, hard standing areas and a new access off Oxford Road opposite Freeboard Lane. Condition 1 of the appeal decision (APP/E3715/C/09/2110115) stated:-

The use hereby permitted shall be for a limited period being the period of 4 years from the date of this decision. At the end of this period the use of the land for the siting of caravans for residential purposes shall cease, all caravans, structures, materials and equipment brought onto the land in connection with that use shall be removed and the land restored to its former condition.

Following the granting of the above planning approval, planning officers negotiated amendments to the submitted layout – this in effect located all of the pitches and associated buildings/structures to the rear of the site (close to the bund separating the site from Woodside Park), leaving the front part of the site alongside Oxford Road to be retained as more open grass paddocks. Subsequently the details of 2 package sewage treatment works, a site landscaping scheme and walls/fencing and gates erected at the site entrance, were agreed under condition 7 of this permission. These works have now been substantially implemented.

Permission is now sought to amend condition 1 to allow the permanent occupation of the land by the existing applicants.

Authorised Use:

Agricultural/Temporary Permission for Gypsy & Travellers Site (10 pitches).

Site History:

- Retrospective application for the use of land as a residential caravan site for gypsy families, comprising of 10 No. pitches for residential purposes including formation of new access and ancillary works, including the erection of an amenity building – Refused 10/6/2009 (Ref: R09/0291/MPDT) and resolution granted to commence Enforcement Action.
- Appeal against Enforcement Notices (2) - Allowed 4/02/2010 (Ref: APP/E3715/C/09/2110115).

- Discharge of Condition 7 (foul and surface water drainage, lighting, internal site layout, landscaping) – Approved 16/09/2010
- Application for Removal of Condition 1 (the use of the land for a limited period of 4 years) of Planning Permission APP/E3715/C/09/2110115 (R09/0291/MDPT) granted on appeal on 4th February 2010 to allow the permanent occupation of the land by the applicants – withdrawn 25/07/11

Technical Consultations

Environmental Services	no objection subject to conditions limiting number of caravans, preventing further sub-division of the 10 pitches, restricting occupiers to those named, conditions to prohibiting commercial activity on the sit and burning and storage.
Natural England	Concerns that the proximity of the development could have a detrimental impact upon the SSSI. Further information is required to demonstrate that the applicants do not undertake operations that may have a significant detrimental effect on the SSSI.
Warwickshire CC (Ecology)	Recommending refusal of the application the proposed development would pose a continual treat to the integrity of the SSSI. Therefore in order to protect the SSSI, we would not object to a further temporary planning permission, however, due to the emerging DPD and new sites becoming available in due course we maintain an objection due to lack of justification for permanent occupation.
Warwickshire Wildlife Trust	The WWT has a general presumption against any development immediately adjacent to a nationally important SSSI. Development immediately adjacent to a SSSI can result in an range of adverse implications on the integrity of the site. Given the inspector's conclusion that the development was not justified in the currently location, the removal of condition 1 before reasonable alternatives become available, would thus be contrary to the principles of the NPPF.
Warwickshire County Highways	No Objection
Environment Agency	No Objection

Third Party Consultations

Neighbours	No comments received
Ryton Parish Council	Objection
-	The Planning Inspector determined this should be a temporary grant for four years and nothing has changed to overrule the Inspector's opinion.
-	The original justification for allowing the permission on appeal was that there were, at that time, no other suitable sites. The four-year limit was set on the basis that other sites should become available over that period. There are currently no logical grounds for making the four-year temporary permission permanent.
-	The site should be returned to open green field at the end of the period.
-	The development is in Green Belt and as there is a presumption against inappropriate development the application should be refused.

Relevant policies and guidance

Regional Spatial Strategy

Policy CF5 Delivering affordable housing and mixed use communities

Policy QE1 Conserving and Enhancing the Environment

Policy QE6 The conservation, enhancement and restoration of the Region's landscape

However, it should be noted that whilst the RSS remains part of the Development Plan its pending abolition means the actual weight apportioned to these policies is limited.

Rugby Borough Council LDF Core Strategy 2011

CS1: Development Strategy Conflicts

CS16: Sustainable Design and Construction Conflicts

CS22: Gypsy, Travellers and Travelling Showpeople. Conflicts

Warwickshire County Council Landscape Assessment of the Borough of Rugby 2006

Saved Local Plan Policies (Post Core Strategy Adoption) June 2011

E6 Biodiversity conflicts

National Planning Policy Guidance

National Planning Policy Framework 2012

Planning Policy for traveller sites

Determining Considerations

Temporary planning permission currently exists on this site for the continued use of this land as a residential site for gypsy families comprising 10 pitches including a new access, ancillary works including the erection of an amenity building. This permission was granted on appeal in February 2010 for a temporary period of 4 years, which expires in February 2014 (condition 1 of the planning appeal decision).

The key issues to assess in relation to this application are as follows:

- Policy Background
- The harm to the Green Belt that would result from the granting of a planning consent for the permanent use of the site as 10 pitches for gypsy families.
- The future timescale for the production of the Gypsy & Travellers Site Allocation DPD (Development Plan Document), which will seek to identify and allocate suitable sites in the Borough for additional Gypsy and Travellers pitches.
- Impact on Ryton Wood SSSI
- Any other matters

In terms of supporting information the applicant's agent has produced a statement that makes the following points:

- The Inspector at the recent appeal accepted that the applicants and their extended families have strong local connections both to Rugby Borough but also with the Ryton area – they previously lived on the adjoining Woodside Park site for around 15 years before moving onto Sunrise Park. He accepted the fact that it was not unreasonable for the extended families to live close together and also close to other family members who still live on Woodside Park
- The Inspector attached considerable weight in his decision to the general unmet need for additional Gypsy sites and the absence of any realistic alternative sites.
- It is not disputed that the application site is in the Green Belt and that the change of use of land for gypsy sites is normally inappropriate development within the Green Belt, or that the harm

- One aim of the PPTS is to encourage and facilitate private site provision.
- Approximately two thirds of land outside of urban areas in Rugby Borough is designated as Green Belt, including land around Coventry and the motorway network – the existing gypsy and traveller community lives exclusively within the Green Belt.
- In preparing options to be considered during the preparation of the Core Strategy, the Council defined broad locations close to urban areas considered to contain a sustainable level of services. All of these locations were in the Green Belt. Together with the Council's decision to purchase additional pitches at Woodside, this demonstrates an acceptance that new gypsy sites are likely to be in the Green Belt.
- The harm to the character and appearance of the countryside has been reduced by modifications to the site layout, in conjunction with liaison with RBC Planning Officers, and extensive landscaping that has recently been carried out.

Statements of support have been received from Robert Leachy (Gypsy and Traveller Service, Team Leader for Warwickshire County Council) and Father Teddy O'Brien Parish Priest.

Gypsy Status

It is accepted that the appellants and the occupiers are gypsies and travellers in terms of planning policy and falls within the definition of gypsies and travellers in Annex 1 to the PPTS. Warwickshire County Council Gypsy Liaison Officers confirm this.

Policy Background.

The 'dominant' policy as contained within the Core Strategy is Policy CS22. This policy is contained within a recently adopted Core Strategy (June 2011).

The first part of this policy states that 'the Council will allocate land to accommodate the following requirements for Gypsies and Traveller' 48 residential pitches and 5 transit pitches within the time frame of 2007-2012. Within this time frame the Council has granted permission for a total of 19 pitches leaving a shortfall of 29 pitches.

The allocation of pitches pursuant to the provision of Policy CS22 is to be informed by updating the GTAA on a regular basis and as such the pitch allocation requirements will be updated through the 'GTAA process'. Presently the LPA is undertaking a local needs assessment. A 'call for sites' commenced in June 2012 as part of the preparation of the Gypsy and Traveller Site Allocation DPD.

Policy CS22 acknowledges that 'the outcome of the future GTAAs (or local assessments) will assist the Council, if necessary, in identification and allocation of land for sites for pitches in the Gypsy and Traveller Site Allocations DPD, and in the determination of applicable planning applications.

The Borough Council's Cabinet approved the Local Development Scheme on 18th April 2011, which sets out the timetable for the future preparation of Development Plan Documents.

The future timetable for the preparation of the Gypsy & Travellers Site Allocations DPD was reviewed following on from the Local Development Framework (LDF) Core Strategy Examination which ended in mid January. It is now expected that the Borough Council will have an adopted DOD by the end of 2014.

Policy CS22 adopts a sequential approach to site location 'having regard to need, and the site suitability, availability and viability in the following order of preference. A site situated within Green Belt

as is the case of this application site is the least preferable. This sequential approach for Gypsy and Traveller sites is consistent with the spatial strategy of the NPPF. This is a criteria based policy that states that permanent sites will be permitted provided that the following criteria are clearly satisfied:

- The site will be assessed on a sequential approach to its location having regard to need (as identified in the GTAA or local assessment), and the sites suitability, availability and vitality, in the following order of preference:
- The site is within an urban area; before
- The site is within a Main Rural Settlement; before
- The site is within the Countryside;
- The site is within the Green Belt.

The policy requires evidence to be submitted with any planning application to demonstrate compliance with the requirements of the sequential approach.

A site situated within Green Belt as is the case of this application site is the least preferable. This approach is consistent with the Development Strategy as contained within CS1. Policy CS22 requires 'evidence to be submitted with any planning application to demonstrate compliance with the requirements of this sequential approach'.

Issues relating to the sequential approach to development locations and in particular the impact on the Green Belt is covered in section 2 below.

There is a clear statement within CS22 and CS1 that only where national policy on Green Belt policy allows will development be permitted. The development as proposed is not one of the limited forms of development that may be considered 'appropriate development' in the Green Belt, and therefore inappropriate development that is, by definition, harmful to the Green Belt. Inappropriate development will not be permitted unless there are very special circumstances that will outweigh the harm by reason of inappropriateness. As an inappropriate form of development in the Green Belt, the onus falls on the applicant to demonstrate that there are 'very special circumstances' why planning permission should be granted for development that is harmful to the Green Belt.

Green Belt.

Around two-thirds of the administrative area of Rugby Borough lies within the Green Belt. The application site itself is located within the Green Belt. Within the Framework, the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.

The development constitutes inappropriate development in the Green Belt and as such the development is by definition harmful to the fundamental purposes of including land within the Green Belt, and cannot maintain 'openness'. Policy E of the Planning Policy for Traveller Sites states that traveller sites in the Green Belt are inappropriate development.

At the 2010 planning appeal, the Inspector in coming to his decision, balanced the inappropriate and harmful impact of the development in this Green Belt location against the lack of available alternative sites and the personal circumstances of the appellants. In this case the Inspector, in paragraph 26 of the appeal decision, considered that the matters put forward by the appellant did not clearly outweigh the harm by reason of appropriateness and other harm to the Green Belt, to justify the granting of a permanent planning permission on this site.

The Inspector also considered whether a temporary permission could be warranted under Paragraphs 45 and 46 of Circular 01/2006. In this instance, he argued that as there was an undisputed unmet need

for additional sites in the Borough - and that there was a reasonable prospect that a forthcoming DPD is likely to have identified additional sites within the Borough that would be available for occupation (i.e. by February 2014) - a temporary permission for 4 years would be appropriate in this instance (paragraph 27).

Importantly, the Inspector still considered that the harm of this development through inappropriateness remained substantial. Additionally the identified harm to the character and appearance of the area was balanced against the limited duration of the life of the planning permission as the land would be restored to its former condition when the temporary permission expired.

One of the five purposes served by the Green Belt is to assist in safeguarding the countryside from encroachment. By reason of the development proposed, the scheme would encroach into the countryside. The development does not contribute to any of the objectives for the use of land in Green Belt.

Underlying objectives for the use of land in the Green Belt include:-

- To provide opportunities for access to the open countryside for the urban population
- To retain attractive landscapes, and enhance landscapes, near to where people live

This form of development, would detract from the 'positive' roles for the use of land in the Green Belt.

Local and national planning policies places a very high planning hurdle to overcome when inappropriate development in the Green Belt is proposed.

Core Strategy Policy CS22 does place a specific requirement on the applicant to demonstrate compliance with the sequential approach to the selection for Gypsy and Travellers sites. In this policy Green Belt sites are the least sequentially acceptable locations. No evidence has been provided by the applicants to demonstrate whether any subsequent site search and assessment has been carried out, to meet the requirements of Policy CS22, before submitting the latest planning application. Therefore the proposal as submitted does not comply with Core Strategy Policy CS22.

It is considered that the proposed development still results in significant harm to the openness of this part of the Green Belt. Even with the mitigation measures carried out by the applicants - the relocation of the pitches to the rear of the site and landscape works that have been carried out – this still is not considered to overcome this harm.

The Framework provides that inappropriate development should not be approved except in very special circumstances, and that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. As an inappropriate form of development in the Green Belt, the onus falls on the appellant to demonstrate that there are 'very special circumstances' why planning permission should be granted that is harmful to the Green Belt.

The 'material consideration' advanced by the applicants are:

- Substantial unmet need within the borough and the likelihood that the need for additional gypsy sites will have to be met within the Green Belt
- The families local need for lawful accommodation
- Absence of any alternative site capable of accommodating this family group
- Personal health and education need

The applicant clearly has some connection to the local area having been resident on the adjacent Woodside site for some years. In addition the applicant states that the children attend the local school at Ryton. However, they have not provided correspondence from the school to qualify this. In addition, there is no evidence provided of existing medical needs of any of the residents on the site. Whilst the 'material circumstances' would be proportionate to grant a further temporary permission it is not considered sufficient to grant a permanent permission.

Therefore for the reasons set out above, the current proposal for the use of this land for 10 gypsy and traveller pitches on a permanent basis still fails to comply with Core Strategy Policy CS22 and national planning guidance set out in NPPF.

The general need for, and provisions of traveller site in the Borough

Core Strategy Policy CS22 has identified an intension for the Council to allocate 48 residential pitches within the period of 2007-2012 – with this provision reviewed by the evidence from updated assessment. The figures set out within this policy were derived from the Southern Staffordshire and Northern Warwickshire Gypsy and Traveller Accommodation Assessment (GTAA) published in February 2008. It is acknowledged that at present the level of provision identified has not been met. The current level of need to-date stands at 29 pitches.

It has been accepted by various appeal Inspectors that there is an unmet need within the Borough for Gypsy and Traveller pitches. The Council accept that there is a general need and that the level of provision identified has not been met. However, the Borough Council has an adopted Core Strategy which sets out within policy CS22 the provisions for sites that is to be met – subject to updated assessment of needs. A timetable has been set out for the preparation of a Site Allocations Document, which commenced in June of this year. The Council is also undertaking a local assessment that will assist the Council in the identification and allocation of sites for Gypsy and Traveller pitches.

The PPTS Policy H paragraph 25 states that if Local Planning Authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. Paragraph 28 states that paragraph 25 only applies to applications for temporary planning permission for traveller sites made 12 month after this policy come into force. Whilst the level of unmet need within the borough is a material consideration in favour of the granting of a temporary planning permission, it is not justification for the granting of a permanent permission, especially whilst the local planning authority is addressing this unmet need through the publication of a Gypsy and Traveller Site Allocations DPD.

Future Production of Gypsy & Travellers Site Allocations DPD.

This was a key issue when the Inspector arrived at his decision to grant the 4 year temporary planning permission to the current applicants. In coming to his decision, he balanced the inappropriate and harmful impact of the development in this Green Belt location against the lack of available alternative sites and the personal circumstances of the applicants. In this case the Inspector, in paragraph 26 of the appeal decision, considered that the matters put forward by the appellant did not clearly outweigh the harm by reason of appropriateness and other harm to the Green Belt, to justify the granting of a permanent planning permission on this site.

The applicants, in putting forward their case for a permanent permission to be considered, have placed significant weight on the fact that the adoption of this DPD is likely to be delayed beyond the time when the 4 year temporary permission expires.

The Borough Council's Cabinet approved the Local Development Scheme on 18th April 2011, which sets out the timetable for the future preparation of Development Plan Documents.

The future timetable for the preparation of the Gypsy & Travellers Site Allocations DPD was reviewed following on from the Local Development Framework (LDF) Core Strategy Examination which ended in mid January. It is now expected that the Borough Council will have an adopted DPD by the end of 2014.

The call for sites has now commenced on the 22nd June 2012, and a further call for sites is expected to commence in December 2012. The applicant has not put forward this site for consideration into the SLAA process. The Council has written to the applicant's agent on numerous occasions to inform him of the SLAA process and the commencement of the 'Call for Site'. The Council has also undertaken a needs survey which will be used to assess the need within the Borough alongside the GTAA.

It is accepted that the temporary permission at Sunrise Park (which runs out on 4th February 2014) is likely to expire close to or slightly ahead of the DPD adoption.

At this stage it is not considered that the applicants have demonstrated a good enough case for the site to be considered for a permanent planning permission, to replace the temporary permission that exists at present. It is not sufficient to claim that simply because the timetable for the DPD has slipped since the planning inquiry, that this offers such a justification to allow a permanent planning permission, given the demonstrable harm to the Green Belt that undoubtedly exists.

The reasoning of the Appeal Inspector at Sunrise Park in granting a temporary 4 year planning permission, is a clear material planning consideration that needs to be addressed for the current proposal.

The Planning Inspector also stated that the Local Planning Authority has now produced a timetable for the preparation and adoption of its DPD to address the identified need. The Inspector also stated that whilst it may be that some sites identified through this process will be in the Green Belt because of the extent of its coverage in the Borough this does not justify pre-empting the thorough and proper planning process and accepting the development of the appeal site on a permanent basis.

Since the granting of this appeal, further appeal decisions have also been granted where the respective Inspectors adopted a consistent approach to the earlier Sunrise Park appeal and allowed similar 4 year temporary consents. In these instances, the respective Inspectors also thought that the temporary permission approach was valid, whilst awaiting the DPD to be produced and adopted.

A case has not been made to demonstrate why the circumstances at Sunrise Park are any different from these cases.

It is therefore considered that to recommend granting a permanent planning permission in advance of the preparation of the DPD, would undermine the whole development plan preparation process and could set an important precedent for other sites with similar circumstances.

Alternative sites

The Inspector permitted a temporary permission at the appeal to both allow progress of the Gypsy and Traveller Development Plan Document (DPD) but also to allow for the applicant to consider non Green Belt locations for permanent residence. However, no evidence has been submitted to this effect. In such circumstances, the Council would expect evidence of correspondence with local estates agencies and adjoining local authorities enquiring of suitable non Green Belt locations, to be consistent with the requirements of PPTS and the sequential approach required in CS22 of the Core Strategy. It is therefore considered that they have not fully explored other non Green Belt locations. It is noted from the previous application that the applicant considers Woodside an unsafe site which the appeal Inspector agreed. Notwithstanding this, the applicants have not considered alternative non Green Belt locations in the interim since they were granted temporary permission. The requirements of PPTS and CS22 in this respect have not been met.

Exception sites and private sites

The applicant makes reference to the rural exceptions policy in the PPTS which allows for the delivery of exceptions sites for affordable Traveller pitches. Furthermore, PPTS Policy D allows for the production of an exceptions policy to apply to affordable traveller sites. It is not considered that this policy is relevant to this application as the applicant is already resident on the site and was able to purchase the land which therefore does not demonstrate a lack of affordable land to meet Traveller needs. In addition, the Council does not have specific evidence on the lack of affordable land to meet local Traveller needs.

The applicant also makes reference to PPTS encouraging private sites, however it is not considered that this is to be applied alongside Policy E, which specifically considers Traveller Sites in the Green Belt to be inappropriate development.

Other Material Consideration

Beyond the sequential approach, policy CS22 requires the suitability of the site to be considered. The criteria set out within policy CS22 requires 1) The site is cumulatively appropriate and proportionate in scale to the nearest settlements, its local services and infrastructure; 2) Vehicular access into the site via the public highway is appropriate; 3) The site is capable of sympathetic assimilation into the surroundings; 4) If screening is required, suitable landscaping and planting will be provided and maintained by the developer; and 5) development of the site will not cause unacceptable nuisance to existing neighbours by virtue of noise and other disturbance caused by movement of vehicles to and from the site.

1) The site is cumulatively appropriate and proportionate in scale to the nearest settlements, its local services and infrastructure

The Inspector in the previous considered that the development would not place an additional demand for service and an undue burden on existing facilities in nearby settlements. It is therefore considered that the site is cumulatively appropriate and proportionate in scale to the nearest settlements, its local services and infrastructure.

2) Vehicular access into the site via the public highway is appropriate

WCC Highways previously objected to the proposal on the grounds that it would be detrimental to highway safety, when the original application was under consideration. This objection was subsequently withdrawn by WCC Highways before the planning appeal, due to a reconsideration of the verge mowing regime, to ensure that satisfactory visibility at the site entrance along Oxford Road (A423), could be maintained.

Following consultation with WCC on this application no objection has been raised in respect to highway safety. On this basis the proposal was considered to be acceptable. The situation remains unchanged in the current proposal.

3 and 4) The site is capable of sympathetic assimilation into the surrounds

Policy CS16 require a development's scale, density and design to avoid material harm to an area's character and amenity.

The Inspector in the previous appeal considered that the presence of hard-standing, roadways, caravans, vehicles and other trappings of residential use has brought a significant change to the land, and that despite the presence of vegetation along the eastern and southern boundary the development

on site is seen from the Oxford Road as alien and intrusive. The conclusion of the Inspector is that the development materially harms the open character of the area and erodes its rural appearance. Through liaison with the LPA the caravans have now been relocated to the western boundary away from the highway, the development is still visible along the eastern boundary where it is seen as an alien feature within the landscape. The proposed development would also result in development in the open countryside that forms part of the Green Belt and would thus detract from the openness, visual appearance and character of the area and as such would conflict with policy CS16 of the Core Strategy.

5) Development of the site will not cause unacceptable nuisance to existing neighbours by virtue of noise and other disturbance caused by the movement of vehicles to and from the site

Core Strategy Policy CS16 states that proposals will only be allowed which are of a scale, density and design that would not cause any material harm to the amenities of the areas in which they are situated.

It was accepted by the appeal Inspector that the proposal would not affect the amenity of neighbouring residents. There is a residential caravan site adjacent to the proposed site, this is screened by a close boarded fence and an earth bund and it is not considered that the proposals would adversely impact on the amenity of these residents. It is therefore considered the proposals comply with Core Strategy Policy CS16.

Impact on Adjoining Ryton Wood Site of Special Scientific Interest (SSSI).

Natural England have objected to the application given its close proximity to the Ryton Wood Site of Special Scientific Interest (SSSI) could have a detrimental affect on the SSSI, and required the applicant to submit information demonstrating any protection measures which can or have been out in place to protect the SSSI from dame to trees and understorey in the woods through direct damage, littering or fly tipping and recreation for instance by detailing their waste removal arrangements and measures in place to prevent disturbance to breeding birds. Natural England stated that the applicant needs to demonstrate that they do not undertake these operations, and if this can be demonstrated Natural England can be satisfied that permanent residential occupation will not damage the SSSI. The applicant has suggested that the erection of a boundary fence or something similar would address these concerns.

WCC Ecology and Warwickshire Wildlife Trust have objected to the application and are concerned about the potential continued threat to the integrity of the SSSI. Both the WCC Ecology and WWT would not object to a further temporary permission however, due to the emerging DPD and new site becoming available in due course maintain an objection due to the lack of justification for permanent occupation.

The proposals are therefore contrary to saved policy E6 as contained within the Local Plan 2006 which seeks to safeguard maintain and enhance features of ecological importance, and contrary to guidance contained within The National Planning Policy Framework, which seeks to prevent development which would directly or indirectly have an adverse effect on nature conservation sites of national, regional or local importance.

Recommendation

Refusal

DRAFT DECISION

APPLICATION NUMBER

R12/1225

DATE VALID

30/05/2012

ADDRESS OF DEVELOPMENT

LAND ON THE WEST SIDE OF
OXFORD ROAD (Sunrise Park)
RYTON-ON-DUNSMORE

APPLICANT/AGENT

Mr Philip Brown
Philip Brown Associates
74 Park Road
Rugby
Warwickshire
CV21 2QX
On behalf of Simon and Gerry Doherty

APPLICATION DESCRIPTION

Application for Removal of Condition 1 (the use of the land for a limited period of 4 years) of Planning Permission APP/E3715/C/09/2110115 (R09/0291/MDPT) granted on appeal on 4th February 2010 to allow the permanent occupation of the land by the applicants. (Re-submission of previously withdrawn application R11/0059 dated 25/07/2011)

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Regional Spatial Strategy

Policy CF5 Delivering affordable housing and mixed use communities

Policy QE1 Conserving and Enhancing the Environment

Policy QE6 The conservation, enhancement and restoration of the Region's landscape

Rugby Borough Council LDF Core Strategy 2011

CS1: Development Strategy

CS16: Sustainable Design and Construction

CS22: Gypsy, Travellers and Travelling Showpeople.

Warwickshire County Council Landscape Assessment of the Borough of Rugby 2006

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National Planning Policy Framework 2012

Planning Policy for traveller sites

The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site www.rugby.gov.uk or at the Council Offices.

REASON FOR REFUSAL: 1

The site is located in the Green Belt where there is a presumption against inappropriate development. It is the policy of the Local Planning Authority, as set out in the Development Plan and having regard to guidance contained in the National Planning Policy Framework on Green Belt not to grant planning permission except in very special circumstances, other than for the purposes of agriculture and forestry, outdoor sports and recreation facilities, cemeteries and other uses which preserve the openness of the

Green Belt and which do not conflict with the purposes of including land in it, and for the limited extension, alteration or replacement of existing dwellings.

The proposed development does not fall within any of the categories which are normally acceptable in the Green Belt and as such, constitutes inappropriate development having an adverse effect on the rural character of the area and detrimental to the openness of the Green Belt. In the opinion of the Local Planning Authority, the degree of special circumstances is not so significant to justify the granting of planning permission for the permanent use of the site as a Gypsy & Traveller Caravan Site in the face of a strong presumption against inappropriate development derived from the prevailing policies and it is considered that the development fails to preserve the openness and character of the Green Belt.

The proposed development would also result in development in the open countryside that forms part of the Green Belt and would thus detract from the openness, visual appearance and character of the area.

The proposed development is therefore contrary to Rugby Borough LDF Core Strategy Policy CS22 and national planning guidance relating to development in the Green Belt set out in the National Planning Policy Framework.

REASON FOR REFUSAL 2:

The proposed development lies outside any defined settlement boundary in a countryside location which forms part of the designated West Midlands Green Belt. Therefore, the proposal would not accord with the sequential approach taken in controlling development within rural areas and would thus be contrary to Policy CS22 of the adopted Rugby Borough LDF Core Strategy, 2011. In addition, the proposal would result in the permanent siting of a development that has not been through the proper planning process and pre-empts the outcome of the emerging Gypsy & Traveller Site Allocation Development Plan Document.

REASON FOR REFUSAL: 3

The proposed development of a permanent gypsy and travellers site in this location could have the potential to impact on the adjoining Ryton Wood Site of Special Scientific Interest. The proposals are therefore contrary to saved policy E6 as contained within the Local Plan 2006 which seeks to safeguard maintain and enhance features of ecological importance, and contrary to guidance contained within The National Planning Policy Framework, which seeks to prevent development which would directly or indirectly have an adverse effect on nature conservation sites of national, regional or local importance.

REASON FOR REFUSAL: 4

The development would have a harmful impact upon the character and appearance of the landscape and the visual amenity of the area and the Green Belt by introducing substantial, permanent built development and other features, together with associated activity that would be contrary to policy CS16 of the Rugby Borough Core Strategy 2011.

Reference number: R12/1572

Site address: Hill House Farm, Birdingbury Road Rugby,

Case Officer Name & Number: Nathan Lowde 01788 533725

Description: Siting of a mobile home for a period of three years for use as a temporary rural worker's dwelling (retrospective) (Re-submission of previously withdrawn application R12/0535)

Description of proposal

The application has been submitted retrospectively following enforcement investigation and seek the retention of a mobile home for a period of three years for use as a temporary rural worker's dwelling in connection with the established equestrian use on site. The mobile home has been located to the north-east corner of the application site close to the existing stabling and tack building complex.

Description of site

The site lies on the northeast side of Birdingbury Road, just northwest of its junction with the A426, in the hamlet of Hill, which lies close to Leamington Hastings. The site comprises agricultural land, down to grass, that is part of the holding known as Hill House Farm. There are existing agricultural and equestrian buildings on site. There is an existing two-storey farm house adjacent to the farmyard which is occupied by Mr and Mrs Rowland.

The equine business is operated by the applicant Dawn Lounds, and the farming business is managed by the applicants father Mr Rowland and his son.

Background

The applicant Dawn Lounds currently operates her business Hill House Farm Stables from Hill House Farm. The business was previously run by Mr Rowland, the applicants father who is the owner of Hill House Farm, and operated the equestrian business to support his mainstream farming business based on a flock of breeding ewes. The intension is now to operate the stable business separate from the farming business and the applicant works full-time in managing and developing the business.

Buildings available for use by Hill House Farm Stables comprise:

- Stabling and tack for up to 18 horses
- A barn for the storage of hay and straw

The applicants principle aims are:

- The creation of a mixed livery yard based on a combination of full, part and D-I-Y liveries on the existing stabling and a proposal to expand to 22 with the creation of four additional boxes in the existing farm buildings.
- The provision of riding lessons
- A trekking facility utilising local bridleways
- The purchase of up to 2 hunters to be utilised as hunter hirelings.

Since the applicant has taken over the running of the business the number of horses held at the stables has increased from four to nine, which includes four full-time liveries, 2 part-time liveries and three DIY liveries. The applicant has submitted as part of this application a business plan showing how the business can continue and successfully evolve over future years.

Third part comments

Neighbours no comments received

Parish Council	comments
	<ul style="list-style-type: none"> - There is no way of telling if this is a genuine application with a desire to build on the current business or just a way to obtain approval for a permanent dwelling on the site - The business case is considered to be optimistic. For example, the revised full livery rate considered to be unobtainable in the current financial down turn - The PC does not object to the temporary dwelling, providing that the viability of the business plan is rigorously investigated by the Council's Consultants, and that the business will be evaluated in 3 years time before any permission is granted for a permanent dwelling.

Technical consultation response

Technical consultees were consulted as part of the previous application and their responses are as below.

WCC Highways	no objection
WCC Rights of Way	no objection
RBC Environmental Services	no objection subject to a condition restricting the occupation of the temporary dwelling to employees in connection with the operation of Hill House Farm Stables
Paul Rhodes	There is not an 'essential need' for a temporary dwelling for the applicant in connection with her equine business

Relevant planning history

R86/0490/0947/P	-	Use of farm as an equestrian centre	Approved 6.8.86
R06/0314/OP	-	Outline planning permission for erection of a bungalow	Refused 12.4.06
R06/1604/OP	-	Outline planning permission for the erection of a single storey agricultural dwelling	Refused 15.11.06
R07/1125/OP	-	Outline planning permission for the erection of a single storey agricultural dwelling (Resubmission of R06/1604/OP)	Refused 17.07.07
R12/0535	-	Siting of a mobile home for a period of three years for use as a temporary rural worker's dwelling (retrospective)	Withdrawn 02.07.12

Relevant planning policies and guidance

Rugby Borough Council Local Development Framework

RBC Core Strategy 2011

CS1:	Development Strategy	Conflicts
CS16:	Design and Sustainable Construction.	Complies

National Planning Policy guidance

National Planning Policy Framework 2012

Assessment of proposal

Principle

The application site is located outside of the defined settlement boundary of Leamington Hastings within the open countryside. Policy CS1 as contained within the Rugby Borough Council's Core Strategy sets the settlement hierarchy in locating new development, which seeks to ensure that the most sustainable location are considered ahead of those further down the hierarchy. The purpose of the settlement hierarchy is to ensure the most sustainable location of development within the Borough. The focus for new residential development is within the Rugby urban area supported by defined Main Rural Settlements, whilst also allowing local needs housing in other rural settlements. For countryside locations CS1 is specifically restrictive on new development promoted due to its inherently unsustainable nature and states that only where national policy on countryside locations allows will development be permitted.

National Planning Policy Framework states that local planning authorities should avoid isolated homes in the countryside unless there are special circumstances such as *"the essential need for a rural worker to live permanently at or near their place of work in the countryside."*

Within the applicant's agent planning statement they state that the essential need to live on-site derives from:

- The existing livery horses on-site, with immediate capacity for a total of 18 horses, and further potential to increase to 22.
- The need to be readily available on site at most times of the working day and at weekends, from early morning inspection at 6.30 am to stabling horses at 9 or 10 pm.
- The need to respond to queries and emergencies at short notice.
- The reluctance of potential customers to livery their horses without an assurance of a permanent on-site presence of key business personnel.
- The desire to widen the business to include riding lessons, trekking and possibly breeding.
- The need to deter theft and protect valuable horses and associated equipment.
- The lack of any available alternative premises within the site. Mr Rowland's house is not available and, given that he has absolutely no involvement with the equine business and intends to wind down from farming, he will not be a permanent presence on-site.
- The lack of any other premises with visual and audible contact with the stables and land.
- Mrs Lounds personal circumstances means that it is not possible to live away from the site and still attend out-of-hours meetings or emergencies.

In assessing whether there is an essential need for a worker to live permanently on the site in connection with the equestrian building, the Local Planning Authority will utilise former guidance PPS7 Annex A. Whilst this guidance no longer forms part of government policy and as such carries less weight now, the Council consider that it is still an appropriate way to assess 'essential need'.

The Council has consulted with Rhodes Rural Planning and Land Management who provides the Council with independent advice relating to applications of this type. Mr Rhodes has assessed the application and considered that there is not an 'essential need' for a temporary dwelling for the applicant in connection with her equine business.

The tests used to demonstrate whether there is an essential need for the temporary dwelling, the applicant is required to demonstrate that there is a functional need, clear evidence that the proposed enterprise has been planned on a sound financial basis, the functional need could not be fulfilled by another existing dwelling on the unit or any other existing accommodation in the area.

Functional need

The applicant is a qualified horsewoman. She has already increased the number of horses held at the stables from four to nine. She formed her own trading business in January this year.

The applicant is currently utilising the stabling, land and part of the farm buildings for the storage of hay, haylage, straw and bedding. Activities include early morning inspection of the horses, removing/changing rugs, morning feed, exercising the horses, cleaning and grooming the horses, mucking out, further feeds and ensuring the horses are settled down in the evening and rugged as appropriate.

The applicants father Mr Rowland owns the land and buildings and there is no tenure agreement in place between the applicant and her father. The applicant uses the land and buildings on an informal arrangement with her father. Without a tenure agreement, the applicant's use of the land can't be seen in any way as permanent or secure. The issue of clarity surrounding the issue of tenure also impacts on the applicant's proposal to complete the ménage and convert part of her father's farm building to four additional stables once Mr Rowland has completed the permitted general purpose building. The applicant's agent considers that the issue of tenure is not critical as Mr Rowland has no mortgage on the land and intends to gift the land to his daughter and son. The applicant's agent also states that the application is only for a three-year period and the enterprise has been running for 25 years uninterrupted. However, it is only recently that the business has been taken over by the applicant and trading as a business on site. Without a tenure in place could lead to the curtailment or dissolution of the business.

The existing dwelling house is occupied by the applicant's father Mr Rowland and his wife. Mr Rowland's wife is registered disabled and Mr Rowland is semi-retired but is still active undertaking duties relating to the farming business, but many duties has been passed onto his son (who lives off-site). The applicant contend that it is unreasonable for Mr Rowland to attend to security matters and to be able to react to out of hours emergencies as he has no active involvement in the equine business. However, the Council in consultation with their agricultural consultant are of the opinion that this is not unreasonable for Mr Rowland and his son to undertake such duties. Mr Rowland has a duty of welfare which involves checking the animals and attending to security and bio-security issues. The applicant's equine stock and Mr Rowland's sheep often graze side by side in the same field and as such, Mr Rowland for most of the time would be present and active on the site and will be vigilant as a consequence of his duty of care to his stock. The applicant contends that Mr Rowland is out on the farm for lengthy periods and is looking to semi-retire due to his age. However, the Council contend that semi-retired is not the same as retired, which infers the relinquishing of responsibility for the farm both physical and a management perspective, there is no indication that this is Mr Rowland's intention. Mr Rowland still has a duty of care. The applicant also contend that Mr Rowland is not available to supervise the yard against potential intruders. However, given the position of the dwelling in relation to the access and buildings Mr Rowland would be able to address security concerns.

The functional need can therefore in part be meet by the applicant's father, and that in conjunction with this, the hours worked by the applicant would enable the functional need to be met.

In additional to this, the applicant is assisted within her duties by Kate Lincomb's who lives within the village. At present as indicated by Ms Lincomb this is on a voluntary basis, however in verbal exchanges between the applicant and the Council's agricultural expert it is envisaged that Ms Lincomb duties would increase commensurate with the development of this enterprise and this has been set out within the applicant's business plan. In the opinion of the Council's independent agricultural consultant Ms Lincomb could be capable of attending the yard at short notice if required.

The Functional need cannot be fulfilled by any other existing dwelling on the unit, or any other existing suitable accommodation in the area.

The applicant's agent states that the applicant would require a 2 to 3 bedroom property, however, there is no properties available within the locality and Dunchurch would be too far for the applicant and would be unsuitable given the applicant's personal circumstances. An essential need is based on the enterprise and not personal preferences or circumstances of the applicant. The Council has undertaken a search and found three bedroom properties within a 3 mile radius within Southam between £170,000 to £195,000 and rental properties within Southam for £750 pcm and £895 pcm that could be utilised by the applicant. The functional need can therefore be met by existing suitable accommodation in the area.

Clear evidence that the proposed enterprise has been planned on a sound financial basis.

The applicant has submitted confidential projection figures for year 1 to year 3 showing that the business can continue and successfully evolve over future years and that this would be more than enough to support a full-time worker. The figures are based on the success of the introduction of riding lessons, trekking or hunter hirelings. These figures have been examined by the Council's agricultural consultant who has concerns about the figures as no evidence of demand has been included in the application to show that the proposed add-on enterprises of riding lessons, trekking or hunter hirelings can be achieved. The Council's agricultural consultant has also raised concerns about the size of the stables and the ability for the applicant to achieve the livery fees anticipated. The standard stable size of horses is 3.65m x 3.65m and for a large horse such as hunter hirelings the size increases to 3.65m x 4.25m. As such the success of the introduction of the hunter hirelings stable may not be achievable given the size of the stables. The applicant has advised that 11 out of the 18 stables are 3.7m x 3.7m. The Council's agricultural consultant advises that the stables at Hill House are more characteristic as pony boxes rather than sport horse/hunter stables. Mr Rhodes has expressed concerns on the size of the stables and the ability of the applicant to charge the livery fees set out within their financial projections and maintain these fees.

It is therefore considered that the business is over optimistic given the issues in relation of stabling and the lack of evidence of demand of both for livery and the add-on enterprises.

Conclusion

The applicant intends to develop the existing equine business, which is what the NPPF seeks to encourage through its support for a prosperous rural economy. Nevertheless, it is necessary to establish whether, there is an essential need for the applicant to live on the land itself, rather than an existing dwelling nearby, that the business is planned on a sound financial basis and as such can be capable of being sustained for a reasonable period of time. In other words there has to be an essential need for this dwelling on the application site. In conclusion in assessing all the information submitted by the applicant and the appraisal of this by the Council's independent agricultural consultant, it is considered that the application does not meet the criteria for rural exception dwellings as provided by the NPPF.

Other Matters

Visual amenity

Policy CS16 seeks to ensure that development is of a high quality and will only be allowed where proposals are of a scale, density and design that would not cause material harm to the qualities, character and amenity of the areas in which they are situated. The mobile home is visible from public vantage points along the public footpath R225a. Whilst the caravan would be an alien feature within this rural setting, given its temporary nature it is not considered that it would materially harm the character and amenity of this rural setting. The proposal would therefore not conflict with Core Strategy Policy CS16.

Residential amenity

Given the distance of the mobile home to other neighbouring dwellings it is not considered that the proposal would cause material harm to the amenities of nearby neighbouring dwellings.

Highway Safety.

Following consultation with WCC Highway Authority it is considered that the siting of a temporary rural working dwelling would not have a detrimental impact upon highway safety.

Recommendation

Refusal and authorisation for enforcement action.

ADDRESS OF DEVELOPMENT

HILL HOUSE FARM
BIRDINGBURY ROAD
HILL
LEAMINGTON HASTINGS
RUGBY
CV23 8DX

APPLICANT/AGENT

Joel Hancock
Hancock Town Planning
Hancock Town Planning Ltd
Hope Cottage
Claverdon
Warwickshire
CV35 8LL
On behalf of Mrs Dawn Lounds

APPLICATION DESCRIPTION

Siting of a mobile home for a period of three years for use as a temporary rural worker's dwelling (retrospective) (Re-submission of previously withdrawn application R12/0535)

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Council Local Development Framework

RBC Core Strategy 2011

CS1: Development Strategy

CS16: Design and Sustainable Construction.

National Planning Policy guidance

National Planning Policy Framework 2012

The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site www.rugby.gov.uk or at the Council Offices.

REASON FOR REFUSAL

Policy CS1 as contained within the Rugby Borough Council LDF Core Strategy 2011 is specifically restrictive on new development within the countryside and states that only where national policy on countryside locations allows will development be permitted. The National Planning Policy Framework 2012 states that Local Planning Authorities should avoid isolated homes in the countryside unless there are special circumstances such as "the essential need for a rural worker to live permanently at or near their place of work in the countryside." It is the opinion of the Local Planning Authority based on the evidence submitted that there is not an essential need for the siting of a mobile home for use as a temporary rural worker's dwelling and therefore conflicts with policy CS1 as contained within the Rugby Borough Council's LDF Core Strategy 2011 and guidance contained within the National Planning Policy Framework 2012.

Reference number: R12/1858

Site address: 42A Ashlawn Road, Rugby

Description: Erection of two storey rear extension and loft conversion

Case Officer Name & Number: Nathan Lowde 01788 533725

Description of Proposal

The application seeks the erection of a two storey rear extension with rooms formed within its roof. The extension would project out approximately 7 metres from the rear elevation of the original dwelling house. The height of the eaves are at the same level as the existing dwelling house with the ridge height 300mm lower than the ridge height of the dwelling house. Materials to be used will match the materials of the existing dwelling house. The proposal would replace the existing single storey rear extension and rear conservatory.

The application is to be determined by members of the planning committee as the applicant is related to an employee of the Borough Council.

Description of Site

The application relates to a two storey semi-detached property within the Rugby Urban Area. The property is peddle-dashed at first floor level with brick at ground floor level. There is an existing single storey mono-pitched roof attached to the rear elevation with a conservatory attached to this, both of which will be removed as part of the proposal. The property is served by a detached garage along the western boundary of the property. The dwelling as existing including existing extensions has a floorspace of approximately 79m² and the proposed extension has a floorspace of approximately 42m².

Third Party comments

Neighbours (2) Objections

- The proposed extension will be more than double the size of the extension.
- proposed development would create 5/6 bedrooms leading to extra parking spaces
- The size, massing and height is unsympathetic to the appearance and character of adjoining properties. The extension would stand proud from other house within this row of terraces.
- Would lead to a contrived roof plan and not in keeping with the other properties in the row.
- Concerns about drainage and how water is going to reach ground level and blockages from leaves and debris which could cause damp.
- Concerns over the soakaway may lead to root damage to trees in the garden of no.42 Ashlawn Rd.
- The extension projects forward of no. 42 which would cause damp, loss of light and sun light.
- Increase in noise and disturbance.
- Loss of privacy to neighbouring properties
- Concerns over future uses

Technical Consultation responses

WCC Ecology No objection subject to informatives

Relevant planning policies

RBC LDF Core Strategy 2011

CS16 Sustainable Design complies

RBC LDF Sustainable Design and Construction SPD February 2012

RBC LDF Planning Obligations SPD March 2012

Saved Local Plan Policies (Post Core Strategy Adoption) 2011

T5	Parking facilities	complies
E6	Biodiversity	complies

Assessment of Proposal

Policy CS16 states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. The proposed extension will be located to the rear of the dwelling and therefore not visible from the public domain. By virtue of the siting, size and design of the extension would not dominate the existing property and will be in sympathy and subservient to it. The proposal ensures that it will fit in with the existing dwelling, surrounding buildings and wider area without raising any adverse or detrimental impact. The proposed extension would seek to use material that match the existing dwelling and would not detract from the appearance of the dwelling house. The proposal is therefore considered to accord with policy CS16 in terms of impact upon visual amenity of the area.

Policy CS16 states that development will ensure that the amenities of existing and future neighbouring occupiers are safeguarded. The proposed extension would project forward of the rear elevation of no. 42 by 1 metre, however it is not considered that this would breach the 45 degree guideline as indicated within the RBC LDF Sustainable Design and Construction SPD February 2012. As such the proposed extension would not result in a loss of light to windows/doors formed within the rear elevation of this property at ground floor level and first floor level. The proposed extension would be set back approximately 3m from the boundary of no. 40. Along the side elevation of no. 40 are side facing windows at ground floor and first floor level. Given the existing detached garage that served the application site along the boundary with 40 it is not considered that the proposal would impact upon the loss of light to windows within this side elevation at ground floor level. Taking into account the distance of the extension with the boundary of no. 40, the design of the extension with the roof sloping away from this boundary, together with the orientation of the property, it is not considered that the proposed would result in a loss of light to windows formed within the side elevation of the neighbouring property. As indicated on the proposed plans a window is to be formed within the west side elevation of the extension facing the side elevation of the neighbouring property no. 40. This window serves a bathroom and a condition would be proposed requiring that this window should be obscured glazed and retained in perpetuity. Subject to conditions, it is not consider that the proposed extension would have an adverse impact upon residential amenity in terms of loss of light and privacy and as such accords with Core Strategy policy CS16.

In terms of parking standards 'saved' policy T5 seeks to ensure that satisfactory parking facilities are incorporated into a development. For the purposes of assessing car parking standards the application site is within an area of Low Access. The RBC LDF Planning Obligations SPD March 2012 sets out the minimum parking standards required for residential dwellings. The proposed extension would increase the size of the property to a 5 bedroom property. The Planning Obligation SPD states that the minimum requirement is to provide 3 space for a 4 bed unit. Taking into consideration the existing garage and drive it is considered that the minimum standard can be met by existing parking within the application site. The proposal therefore complies with 'saved' policy T5 as contained within the Core Strategy 2011.

Following consultation with WCC Ecology it is considered that the proposed development would not impact upon protected species and habitats in accordance with 'saved' policy E6 as contained within the Core Strategy 2011.

Recommendation

Approval subject to conditions.

DRAFT DECISION

APPLICATION NUMBER

R12/1858

DATE VALID

15/10/2012

ADDRESS OF DEVELOPMENT

42A ASHLAWN ROAD
RUGBY
CV22 5ES

APPLICANT/AGENT

Roger Goddard
16 Gainsborough Crescent
Hillmorton
Rugby
Warwickshire
CV21 4DQ
On behalf of Mr M Mogul

APPLICATION DESCRIPTION

Erection of two storey rear extension and loft conversion

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

The development to which this permission relates must not be begun later than the expiration of three years from the date of this permission.

REASON:

To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

CONDITION: 2

Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:

Drawing No. M.M 12/803 (excluding the superceded block plan)

Application forms dated 11.10.12

Amended Block Plan Drawing No. M.M 12/803 received by the LPA on the 31st October 2012

REASON:

For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority.

CONDITION: 3

The facing materials to be used on the external walls and roof shall as specified on the application form, received by the Local Planning Authority on 15.10.12.

REASON:

To ensure a satisfactory external appearance and for the avoidance of doubt.

CONDITION: 4

Other than those shown on the approved plans no new windows/rooflights shall be formed in the west and east side elevation/roofslope of the proposed extension/development, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interest of residential amenity.

CONDITION: 5

The window to be formed in the east elevation of the proposed extension shall be top opening only as shown on approved plan M.M 12/803 and shall not be glazed or reglazed other than with obscure glass.

REASON:

To protect the residential amenity of neighbouring properties.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

RBC LDF Core Strategy 2011

CS16 Sustainable Design

RBC LDF Sustainable Design and Construction SPD February 2012

RBC LDF Planning Obligations SPD March 2012

Saved Local Plan Policies (Post Core Strategy Adoption) 2011

T5 Parking facilities

E6 Biodiversity

The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site www.rugby.gov.uk or at the Council Offices.

REASON FOR APPROVAL:

The proposed extension will be in keeping with the existing house and surrounding area and will not adversely impact on the residential amenity of neighbouring properties, in accordance with policy CS16 of the Rugby Borough Core Strategy 2011. Additionally as the proposal does not have an adverse impact on the biodiversity of the area it accords with Saved Policy E6 of the Rugby Borough Local Plan 2006. It is considered that satisfactory parking provision are on site in accordance with Saved Policy T5 of the Rugby Borough Local Plan 2006.

INFORMATIVE:

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010, making them a European Protected Species. It is a criminal offence to recklessly disturb or destroy a known or suspected bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a license may be necessary to carry out any works.

Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523 . If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 01453 764450 for advice on the best way to proceed.

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season, lasts approximately from March to September, so work should ideally take place outside these dates if at all possible.

N.B birds can nest at any time, and the site should ideally be checked for their presence immediately before work starts, especially if during the breeding season.

Reference number: R12/1291

Site address: Rugby Gateway, Phase R1, Leicester Road, Rugby

Description: Variation of conditions 2 & 15 of planning permission R10/1281 (Erection of 244 dwellings with associated open space, infrastructure and ancillary works; alteration to Brownsover Lane and junction with existing roundabout) to make alterations to the layout involving the substitution and repositioning of plots, removal of bus stops and removal of pedestrian crossing.

Case Officer Name & Number: Karen McCulloch, 01788 533623 & Richard Holt, 01788 533687

Relevant planning history

- R10/1281 Erection of 244 dwellings with associated open space, infrastructure and ancillary works; alteration to Brownsover Lane and junction with existing roundabout
Approved January 2012
- R10/1298 Temporary stockpiling of material generated by earthworks associated with the development of phases R1 and R2 of Rugby Gateway.
Approved August 2011

Background

In 2009 guidance and changes to legislation were issued which allow greater flexibility when dealing with planning permissions. This includes dealing with “minor material amendments” to existing permissions as advises that these should be dealt with as applications to amend conditions listing plans on the original planning permission.

Although no statutory definition of a minor material amendment has been provided the guidance states this is a change “whose nature and scale results in a development which is not substantially different from the one that has been approved.”

The guidance goes on to state that authorities have the discretion to decide which statutory consultees should be consulted and advises that a proportionate approach should be adopted when consulting third parties.

In relation to issuing decisions it is advised that an approval would, in effect, be a new permission and that a new decision notice, including all relevant conditions should be issued.

Description of proposals

This application is to make amendments to planning permission R10/1281.

Planning permission was granted for the erection of 244 dwellings, a new access from the Brownsover Lane roundabout with associated allotments and open space. The proposals previously included a footpath to the south of the allotments leading to Leicester Road with bus stops and a pedestrian crossing on Leicester Road.

This application is to vary conditions 2 and 15 of R10/1281 to make amendments to the proposed layout and omit the bus stops and pedestrian crossing.

The access to the site from the Brownsover Lane roundabout and the pattern of roads within the development will remain as approved. However, changes have been made to the positioning of plots, the design of properties and new house types have been introduced. The number of dwellings, 244, remains as approved as does the area of the site covered by built development.

Changes have been made to the main and secondary squares where some semi-detached properties have been replaced by detached properties, as with the approved plans the main square will contain three storey houses and the secondary square two and a half storey houses.

As the nature and scale of development will remain as previously approved it is considered reasonable to treat this as a minor material amendment through an application to vary conditions attached to the original permission.

Description of site

This application relates to the south eastern part of the Gateway site. The area is mostly agricultural land and includes hedgerows and trees on the field boundaries. The southern part of the site, close to the Brownsover roundabout is a wooded area with many mature trees. The majority of this woodland will be retained although the access to the site has been provided through the woodland.

The proposed allotment area will be located adjacent to Leicester Road and the existing hedgerow is to be retained.

The proposed amenity areas will be located to the west and south of the main residential development and Brownsover Hall, a Listed Building, and Brownsover Conservation Area are located to the south of the application site.

The only residential properties immediately adjacent to the site are Keepers Cottage and Home Farm Cottage to the north which front onto Leicester Road.

Work has commenced on site with the site access being provided and works carried out to remodel the land.

Technical consultee responses

WCC Archaeology	No objection	Subject to condition
Landscape Officer	No objection	

WCC Highways	No objection
Subject to plan referring to toucan crossing improvements	

WCC Ecology	Comments
As with previous application impact on bats and Swift Valley Nature Reserve should be mitigated for, Environment & Species Protection Plan should be provided.	

Third party comments

None received

Relevant planning policies & guidance

Rugby Borough Council Core Strategy, 2011

CS3	Complies	Rugby Gateway Sustainable Urban Extension
CS10	Complies	Developer Contributions
CS11	Complies	Transport and New Development
CS12	Complies	Strategic Transport Improvements
CS15	Complies	Green Infrastructure Allocations
CS16	Complies	Sustainable Design
CS17	Complies	Reducing Carbon Emissions
CS19	Complies	Affordable Housing

Rugby Borough Local Plan 2006 – Saved Policies

GP2	Complies	Landscaping
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E6	Complies	Biodiversity
E17	Complies	Development affecting parks & gardens & other aspects of the historic landscape
T5	Complies	Parking facilities
H11	Complies	Open space provision in residential developments in the urban area
H12	Complies	Open space provision in residential developments in the rural area
LR1	Complies	Open space standards
LR3	Complies	Quality and accessibility of open space

Housing Needs Supplementary Planning Document – March 2012

Sustainable Design and Construction Supplementary Planning Document – February 2012

Planning Obligations Supplementary Planning Document – March 2012

National Planning Policy Framework - 2012

DCLG, Greater flexibility for planning permission – October 2010

Assessment of Proposals

The issue to assess in relation to this application is whether the proposed changes to the design and layout and the removal of the crossing and bus stops are acceptable. However, for clarity the situation regarding other matters is set out below.

Principle of development

The principle of the development was established by the previous approval. In addition the site forms part of the overall Gateway site which is allocated for development by policy CS3.

Design & Layout

The Rugby Gateway site is somewhat unusual as the built development will not be located immediately adjacent to existing development. Brownsover Hall and Brownsover to the south are separated from the site by landscaped areas, housing development at Coton is located on the other side of the A426 and is screened by landscaping and existing development at Cosford and Swift Valley are some distance from the site. There are 2 properties on Leicester Road, Keeper's Cottage and Home Farm Cottage, which are located to the north of the development that is the subject of this application.

It is therefore possible for the Gateway development to have its own distinct character rather than being designed to tie in with adjacent developments and the previously approved scheme was designed on this basis.

As with the approved scheme it is considered that the amended proposals are lacking in innovative and imaginative design, however, the dwellings are based on traditional dwellings with more contemporary features on some plots, particularly those in prominent locations, in order to add interest and distinctiveness to the street scene.

The proposals include the use of a range of materials including brick, cladding and render, the addition of balconies, bay windows, modern window treatments and glazed features, chimneys and windows on side elevations where properties are located on corner plots.

Different styles are used throughout the development with slightly different styles used on the main access roads, adjacent to wooded and open space areas and along smaller roads and cul-de-sacs. More contemporary buildings are proposed on the main routes, in feature squares and in prominent locations.

It is considered that the proposed dwellings provide a scheme which has its own distinct character whilst reflecting the character of traditional buildings within the Rugby area.

The site was previously agricultural land with trees and hedgerows on the field boundaries and it is inevitable that a housing development will significantly alter the character and appearance of the area. As with the approved scheme features of the application site have been incorporated into the proposed development where possible. Existing hedgerows are retained and the existing woodland to the south and south east of the site is also retained. The built development will be set back from Leicester Road and an area of allotments are proposed on land between the dwellings and Leicester Road. In addition the hedgerow on the Leicester Road frontage will be retained.

It is considered that this, and the retention of hedgerows and wooded areas will help reduce the visual impact of the development in the wider area.

The proposals are therefore considered acceptable in relation to the design and impact on visual amenity in accordance with policy CS16.

The retention of the woodland and proposed landscaping to the south of the site will reduce the impact on Brownsover Hall, a Listed Building, and the Brownsover Conservation Area. The impact on these elements of the historic landscape is considered acceptable in accordance with policy CS16 and the NPPF.

Landscaping and ecology

As detailed above the existing areas of woodland and hedgerows are to be retained. In addition areas of amenity open space are proposed to the west and south of the proposed dwellings.

Plans of the proposed landscaping have been submitted to reflect the amended layout and it is considered that these proposals are acceptable in accordance with saved policy GP2.

The Tree Officer did not object to the previous application, subject to conditions to ensure that protected trees are not damaged during development and it is considered that these can be replicated in relation to the current application.

In relation to the impact on protected species the County Ecologist advised that the impact on bats and Swift Valley Nature Reserve should be mitigated for and that a Environment & Species Protection Plan should be provided.

The previous permission included a range of conditions relating to ecology, it is considered that these can be replicated in relation to the current application or updated where suitable details have been agreed. It is therefore considered that the impact on protected species is acceptable and saved policy E6 is complied with.

Open space provision

The application proposes landscaped amenity areas to the south and west of the site, allotments adjacent to Leicester Road and an equipped play area.

Saved policies LR1, H11 and H12 state that developments should contribute to off site open space facilities including sports pitches, parks and cemeteries. The applicants have advised that they will pay a contribution towards the provision and maintenance of off site facilities and the on going maintenance of on site open space. These policies are therefore complied with.

Policy CS15 states that development should balance public access with the protection of Green Infrastructure and that on the Gateway site as a whole the focus will be on wetland habitats with managed public access. The dwellings proposed in this application will be located some distance from the Swift Valley Nature Reserve. However, the landscaped amenity areas to the west will encourage the public use of this area.

In relation to the previous application contributions were agreed towards the improvements and increased maintenance of Swift Valley Nature Reserve as the development will place increased pressure on this area. Whilst it is considered that the direct impact on the Nature Reserve from the proposed 244 dwellings will be limited, future residents are likely to use the Nature Reserve.

Impact on amenity

The part of the development closest to Keepers Cottage and Home Farm Cottage, Leicester Road, remains as previously approved. The proposed dwellings will be around 50m from these properties and 20m from the rear garden of the closest property.

It is considered that there is sufficient separation between dwellings within the site and there will not be an adverse impact on existing or future residents in relation to overlooking, loss of privacy or light.

Environmental Health commented on the previous application and raised no objection in relation to noise, air quality, dust fumes or smell subject to conditions, including a requirement for an acoustic fence on the Leicester Road frontage and the submission of a Construction Management Plan. Acceptable details have been provided in relation to these conditions and updated conditions can be attached to the current proposals to reflect this.

The impact on residential amenity is therefore considered acceptable in accordance with policy CS16.

A condition can also be attached requiring details of external lighting to be agreed by the Council.

Sustainable design and construction

When the Council resolved to approve the previous application the Core Strategy had not been adopted. Therefore the 10% carbon reduction required by policy CS17 was not included in the requirements.

CS17 also requires sustainable urban extensions to demonstrate the highest technically feasible and financially viable carbon efficiency standards of the Code for Sustainable Homes.

In relation to the previous application the applicants provided information to demonstrate that providing properties Code Levels 3-6, would impact on the viability of the development and that these standards could only be achieved if the levels of affordable housing or planning obligations were reduced.

The Council's preferred option was to provide a development with suitable levels of affordable housing together with other planning obligations required. It was considered that to require higher Code Levels would have an adverse impact on the development as a whole. It was therefore considered that current building regulations were the highest financially viable standards that R1 could be built to.

It is therefore not considered reasonable to require carbon reduction or higher Code Levels in relation to this application as the development proposed is broadly as approved.

Policy CS16 refers to water efficiency targets and it is considered that this can be controlled by condition.

Transport, highways & parking facilities

The previous application was accompanied by a Transport Assessment which detailed the current situation and explained measures that will be put in place as part of the development.

This included bus stops and a pedestrian crossing on Leicester Road which were to be linked to the site by a footpath and cycleway. However, since this approval the design of these has been discussed with Warwickshire County Council Highways and the Police. These bodies raised concerns that the crossing and bus stops could not be accommodated in a way that would not impact on highway safety. It is therefore proposed to omit these from the proposals.

Warwickshire County Council have no objection to this change, subject to the existing crossing to the south of the roundabout being improved and a plan has been received which makes reference to this.

It is therefore considered acceptable for conditions 2 & 15 to be updated to reflect this.

In relation to the previous approval Warwickshire County Council requested contributions towards improved public transport services and to provide sustainability packs for each household.

Policy CS12 refers to strategic transport improvements and states that mitigation will be sought for the impact on corridors such as the A426, Leicester Road. As with the previous approval financial contributions towards highway improvements will be secured through the highway agreements.

The proposals include a total of 630 car parking spaces, some of which are visitor spaces located within public areas. This is 76 more spaces than the previous scheme and results in a provision of 2.58 spaces per dwelling. This is in accordance with the Council's Parking Standards, contained within the Planning Obligations SPD and is considered acceptable in accordance with saved policy T5.

Affordable housing

Policy CS19 states that on housing developments of this size a target of 40% affordable housing will be sought, however the supporting text to this policy and the Housing Needs SPD state that this requirement may be reduced if the applicants demonstrate that the provision of affordable housing at this level will threaten the viability of the development.

As with the previously approved scheme this application proposes 48 dwellings, 19.7%, as affordable housing. These are to be a mix of 2 and 3 bedroom properties which will be spread throughout the northern part of the site. It is considered that the type and location of dwellings proposed is acceptable.

In relation to the previous application the applicants provided financial viability information to demonstrate that providing 40% of the dwellings as affordable housing, combined with requests for financial contributions, would threaten the viability of the development. They considered that this is particularly relevant as this is the first phase of the development which results in infrastructure costs being higher.

The submitted information was independently assessed on behalf of the Council and further information was requested and provided. The applicants demonstrated that 19.7% of units could be provided as affordable housing, half as rented and half as shared ownership, without adversely affecting the viability of the proposed development.

Although this is less than the affordable housing target this is in part due to the proposals being the first phase of a proposed larger development. Works have to be carried out in phase R1 to provide services such as drainage, sewerage, utilities and the roundabout access into the site and these works could serve the whole Gateway site.

It was therefore considered that it had been adequately demonstrated that 40% affordable housing cannot be provided for R1 and the proposed provision of 19.7% is considered acceptable.

As this application is for the same number of dwellings as proposed previously it is not considered reasonable to require the applicants to submit further viability information.

Planning obligations

Policy CS10 states that development will only be permitted where the needs of the development can be met or mitigated for.

As the number of dwellings is the same as previously approved it is considered reasonable to require the financial contributions as previously agreed, these were contributions towards education and indoor sports.

An updated s106 agreement will therefore be required to refer to the current application.

Archaeology

A condition was attached to the previous approval requiring archaeological work to be carried out. This has now been carried out and the works have been agreed. An updated condition to relate to this work is therefore considered necessary.

Conditions

Government guidance related to minor material amendments advises that an approval would, in effect, be a new permission and that a new decision notice, including all relevant conditions should be issued.

As detailed above suitable details have been submitted for some conditions attached to the previous approval. It is therefore considered that the conditions on the original approval should be replicated in relation to this application or updated if suitable information has been provided and agreed.

As this application would result in the issue of a new planning permission an updated s106 agreement is required to relate to this application.

Recommendation

Approval – subject to an updated s106 agreement and conditions

DRAFT DECISION

APPLICATION NUMBER

R12/1291

DATE VALID

27/09/2012

ADDRESS OF DEVELOPMENT

RUGBY GATEWAY PHASE R1
LEICESTER ROAD
RUGBY

APPLICANT/AGENT

Bloor Homes (South Midlands) & Cala Homes
(Midlands) Ltd
Primus House
Cygnet Drive
Northampton
NN4 9BS

APPLICATION DESCRIPTION

Variation of conditions 2 & 15 of planning permission R10/1281 (Erection of 244 dwellings with associated open space, infrastructure and ancillary works; alteration to Brownsover Lane and junction with existing roundabout) to make alterations to the layout involving the substitution and repositioning of plots, removal of bus stops and removal of pedestrian crossing.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

The development to which this permission relates must not be begun later than the 16th January 2015.

REASON:

To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

CONDITION: 2

Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below (some of which were originally submitted in relation to R10/1281):

<u>Plan</u>	<u>Reference</u>	<u>Received</u>
Red line application boundary – Phase 1		11050822/LE-004/C 19th August 2010
Proposed Site Plan – R1, revised 14.11.2012		189A78/100/S 14th November 2012
Streetscenes	RG_Streetscenes 01	3rd September 2012
Southern Access Roundabout General Arrangement	11050822/GA-009F	5th November 2012
Proposed Attenuation Details – Parts related to R1 ONLY	11050822/RP-006/A	19th August 2010
Detailed Soft Layout Proposals for plots	JBA10/180-05J	15th November 2012
Detailed Soft Layout Proposals for plots	JBA10/180-06I	15th November 2012
Detailed Soft Layout Proposals for plots	JBA10/180-07I	15th November 2012
Detailed Soft Layout Proposals for plots	JBA10/180-08I	15th November 2012
Detailed Soft Layout Proposals for plots	JBA10/180-09I	15th November 2012
Detailed Soft Layout Proposals for POS	JBA10/180-10D	10th February 2011
Detailed Hard & Soft Layout Proposals for POS & LEAP	JBA10/180-11E	10th February 2011
Detailed Soft Layout Proposals for POS	JBA10/180-12D	10th February 2011
Detailed Soft Layout Proposals for POS	JBA10/180-13D	10th February 2011
Detailed Soft Layout Proposals for POS	JBA10/180-14D	10th February 2011
Detailed Hard & Soft Layout Proposals for POS & LEAP	JBA10/180-15D	10th February 2011
Detailed Soft Layout Proposals for POS	JBA10/180-16D	10th February 2011
2 Bed Social Unit Ground Floor Plan	2B4P-PL01/A	3rd September 2012
2 Bed Social Unit First Floor Plan	2B4P-PL02	3rd September 2012
2 Bed Social Unit Elevations	2B4P-PL03/A	3rd September 2012
3 Bed Social Unit Ground Floor Plan	3B5P-PL01	3rd September 2012
3 Bed Social Unit First Floor Plan	3B5P-PL02	3rd September 2012
3 Bed Social Unit Elevations	3B5P-PL03	3rd September 2012
2 Bed Apartments Plans	06.9303/Plans/650	3rd September 2012
2 Bed Apartments Elevations	06.9303/Eles/650	3rd September 2012
Arden Ground Floor Plan	32G54-PL01/B	12th September 2012
Arden First Floor Plan	32G54-PL02/A	12th September 2012
Arden – Rugby Elevations	32G54-PL03	12th September 2012
Arden +20	ARD-MS-06/A	12th September 2012
Bampton Ground Floor Plan	3250-PL01/A	3rd September 2012
Bampton First Floor Plan	3250-PL02	3rd September 2012
Bampton Brick Elevations	3250-PL03	3rd September 2012
Bampton Render & Boarded Plans & Elevations	3250-RUG	11th September 2012
Clovelly Ground Floor Plan	4261-PL01/B	3rd September 2012
Clovelly First Floor Plan	4261-PL02/A	3rd September 2012
Clovelly Elevations	4261-PL03/A	3rd September 2012
GR_Didbrook Plot 68	GR4260_Rev D	3rd September 2012
Didbrook Plot 77	160.12/4260/1723/B	3rd September 2012
Didbrook Ground Floor Plan	42AC60-PL01/B	3rd September 2012
Didbrook First Floor Plan	42AC60-PL02/A	3rd September 2012
Didbrook Elevations Plots 226 & 235	42AC60-PL04	3rd September 2012

GR_Dursley Render Plot 123	108.24/4251/1165	3rd September 2012
GR_Dursley Boarded Plots 112 & 118	108.24/4251/1165	3rd September 2012
Fairburn Ground Floor Plan	2255-PL01	3rd September 2012
Fairburn First Floor Plan	2255-PL02/A	3rd September 2012
Fairburn (opt 1) Elevations	2255-RUG1	3rd September 2012
Fairburn (opt 3) Elevations	2255-RUG3	3rd September 2012
Fairburn Plot 100A Elevations	2255-PL03	3rd September 2012
Farnham (opt 1)	2251-RUG1	3rd September 2012
Fenwick Plot 110	114.69/4253/110/A	3rd September 2012
Fenwick Plots 98 & 99	114.69/4253/1235/A	3rd September 2012
Fenwick Plots 113 & 117	4253a-RUG/A	26th October 2012
Fenwick Plots 114 & 116	4253a-RUG/A	26th October 2012
Hanbury Plot 63 & 125	113.25/4252/1219/C	3rd September 2012
Hanbury Plot 97	113.25/4252/1219/B	3rd September 2012
GR_Hanbury	GR4252_Rev D	3rd September 2012
Langley Ground Floor Plan	3253-PL01/A	3rd September 2012
Langley First Floor Plan	3253-PL02	3rd September 2012
Langley Elevations	3253-PL03	3rd September 2012
Pickford Plot 57	06.3302	3rd September 2012
Queensbury Ground Floor Plan	4250-PL01/A	3rd September 2012
Queensbury First Floor Plan	4250-PL02/A	3rd September 2012
Queensbury Elevations	4250-PL03	3rd September 2012
Radleigh Ground Floor Plan Plots 61 & 107	2250-PL01	3rd September 2012
Radleigh First Floor Plan Plots 61 & 107	2250-PL02/B	26th October 2012
Radleigh Elevations Plots 61 & 107	2250-PL03/A	26th October 2012
Radleigh (opt 2) Plot 136	2250-RUG2/A	26th October 2012
Radleigh (opt 2) Plots 45 & 78	2250-RUG2	3rd September 2012
RGA3 Ground Floor Plan Plots 44, 58, 236, 237, 240 & 241	RGA06	3rd September 2012
RGA3 First Floor Plan Plots 44, 58, 236, 237, 240 & 241	RGA07	3rd September 2012
RGA3 Second Floor Plan Plots 44, 58, 236, 237, 240 & 241	RGA08	3rd September 2012
RGA3 Elevations Plots 44, 58, 236, 237, 240 & 241	RGA05	3rd September 2012
RGA Ground Floor Plan Plots 82, 83, 84, 85 & 86	RGA06	3rd September 2012
RGA First Floor Plan Plots 82, 83, 84, 85 & 86	RGA07	3rd September 2012
RGA Second Floor Plan Plots 82, 83, 84, 85 & 86	RGA08	3rd September 2012
RGA Elevations Plots 82, 83, 84, 85 & 86	RGA05	3rd September 2012
RGB3 Ground Floor Plan Plots 59, 60, 238 & 239	RGB01	3rd September 2012
RGB3 First Floor Plan Plots 59, 60, 238 & 239	RGB02	3rd September 2012
RGB3 Second Floor Plan Plots 59, 60, 238 & 239	RGB03	3rd September 2012
RGB3 Elevations Plots 59, 60, 238 & 239	RGB04	3rd September 2012
RGB Ground Floor Plan Plots 79, 80, 104 & 105	RGB01	3rd September 2012
RGB First Floor Plan Plots 79, 80, 104 & 105	RGB02	3rd September 2012
RGB Second Floor Plan Plots 79, 80, 104 & 105	RGB03	3rd September 2012
RGB Elevations Plots 79, 80, 104 & 105	RGB04	3rd September 2012
Sedgley Ground Floor Plan Plot 72	10.3252-PL01	3rd September 2012
Sedgley First Floor Plan Plot 72	10.3252-PL02	3rd September 2012
Sedgley Elevations Plot 72	10.3252-PL03	3rd September 2012
Shenstone Plot 243	133.70/4255/1439/B	3rd September 2012
Shenstone Plot 52	133.70/4255/1439/B	3rd September 2012
Somerby Plot 115	4256-RUG/A	26th October 2012
Somerby Plot 71	111.02/4256/1195	3rd September 2012
Willerby Ground Floor Plan	5352-PL01/A	3rd September 2012
Willerby First Floor Plan	5352-PL02/A	3rd September 2012
Willerby Second Floor Plan	5352-PL03/B	3rd September 2012
Willerby Elevations	5352-PL-4/B	8th November 2012

Bedale Plans	A-PD1	21st January 2011
Bedale Elevations	A-PD2	21st January 2011
Bedale 2 Plans	A-PD1	21st January 2011
Bedale 2 Elevations	A-PD2	21st January 2011
Bedale 3 Plans	A-PD1	21st January 2011
Bedale 3 Elevations	A-PD2	21st January 2011
Bray Plans	A-PD1/A	2nd August 2010
Bray Elevations	A-PD2/A	2nd August 2010
Carleton Plans	A-PD1	2nd August 2010
Carleton Elevations	A-PD2	2nd August 2010
Cotterdale Plans	A-PD1/A	2nd August 2010
Cotterdale Elevations	A-PD2/A	2nd August 2010
Dacre Plans	A-PD1/A	2nd August 2010
Dacre Elevations	A-PD2/A	2nd August 2010
Dacre 2 Plans	A-PD1/A	24th November 2010
Dacre 2 Elevations	A-PD2/A	24th November 2010
Datchet Plans	A-PD1	2nd August 2010
Datchet Elevations	A-PD2	2nd August 2010
Fulford Plans	A-PD1/A	2nd August 2010
Fulford Elevations	A-PD2/A	2nd August 2010
Fulford Plot 16 – Elevations	A-PD2	1st December 2010
Gloucester Plans	A-PD1/B	24th November 2010
Gloucester Elevations	A-PD2/B	24th November 2010
Gloucester 2 Plans	A-PD1/B	21st January 2011
Gloucester 2 Elevations	A-PD2/B	21st January 2011
Gloucester 3 Plans	A-PD1/B	21st January 2011
Gloucester 3 Elevations	A-PD2/B	21st January 2011
Grassington Plans	A-PD1/A	19th August 2010
Grassington Elevations	A-PD2/A	19th August 2010
Guildford Plans	A-PD1	2nd August 2010
Guildford Elevations	A-PD2	2nd August 2010
Helmsley 2 Plans	A-PD1/B	1st December 2010
Helmsley 2 Elevations	A-PD2/B	1st December 2010
Helmsley 3 Plans	A-PD1/B	1st December 2010
Helmsley 3 Elevations	A-PD2/B	1st December 2010
Helmsley 4 Plans	A-PD1/A	24th November 2010
Helmsley 4 Elevations	A-PD2/A	24th November 2010
Ingleton Plans	A-PD1/B	24th November 2010
Ingleton Elevations	A-PD2/B	24th November 2010
Ingleton 2 Plans	A-PD1	1st December 2010
Ingleton 2 Elevations	A-PD2	1st December 2010
Ingleton 3 Plans	A-PD1	1st December 2010
Ingleton 3 Elevations	A-PD2	1st December 2010
Ingleton Plot 2 Plans	A-PD1/B	6th December 2010
Ingleton Plot 2 Elevations	A-PD2	1st December 2010
Ingleton Plot 17 Plans	A-PD1	6th December 2010
Ingleton Plot 17 Elevations	A-PD2	6th December 2010
Clayton Plans	PD1/A	17th July 2012
Clayton Elevations	PD2/A	17th July 2012
Linton Plans	PD1/A	12th November 2012
Linton Special Elevations	PD3	12th November 2012
Linton Elevations	PD2/B	12th November 2012
Ludlow Plans	PD1	12th November 2012
Ludlow Elevations (Plots 6, 171, 190, 191 & 224)	PD2/A	12th November 2012
Ludlow Elevations (Plots 4 & 170)	PD3	12th November 2012

Cala Homes Typical Garages
Bloor Homes Garages

A-PD1/BA
GR_GAR_02

21st January 2011
3rd September 2012

Following documents received by the Local Planning Authority on 2nd August 2010:-

WSP Technical Statement – Archaeology, July 2010
WSP Drainage Strategy, July 2010
WSP Ecology & Nature Conservation, July 2010
WSP R1 Transport Statement, July 2010

Following documents received by the Local Planning Authority on 10th November 2010:-

Cotswold Archaeology – Archaeological Evaluation ref CA Report: 10157, August 2010;
Cotswold Archaeology – Archaeological Fieldwalking Survey ref CA Report 10052, April 2010;
Pre-Construct Geophysics Geophysical Survey Rugby Urban Extension Vol I (of II) May 2010;
WSP Technical Note – Impacts on M6 Junction 1, November 2010;
Andrew McCarthy Associates Climb & Inspect Tree Surveys ref A24.0760.00018 Rev 0, 22/10/2010;
WSP Ecology letter dated 10/11/2010 ref 12261440-001.

WSP Phase II Geo-Environmental Assessment R1, August 2010

21st September 2010.

Marishal Thompson Group Arboricultural Impact Assessment D0412091724, 29/10/2010 received 15th November 2010.

Bat Enhancement Strategy – R1

20th January 2011

REASON:

For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority.

CONDITION: 3

No development shall commence unless and until full details of the colour, finish and texture of all new materials to be used on all external surfaces, together with samples of the cladding, render, facing bricks and roof tiles have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON:

To ensure a satisfactory external appearance and in the interests of the visual amenities of the locality.

CONDITION: 4

Prior to the occupation of plots 130-135 the bin and cycle stores shown on the Bin/Cycle Store Location Plan - Rugby_Gateway_BS 01a received on 11/09/2012 in relation to R10/1281 shall be provided.

REASON:

In the interest of visual and residential amenity.

CONDITION: 5

No development shall commence unless and until details of all proposed walls, fences, railings and gates have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of visual amenity.

CONDITION: 6

No development shall commence unless and until full details of existing ground levels and finished floor levels of all buildings and ground levels of all access roads, parking areas and footways have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

To ensure the proper development of the site.

CONDITION: 7

No external lighting, including street lighting, shall be erected or installed unless and until full details of the type, design and location have been submitted to and approved in writing by the Local Planning Authority. Any lighting shall only be erected in accordance with the approved details.

REASON:

To ensure a satisfactory external appearance and in the interests of the visual amenities of the locality.

CONDITION: 8

Prior to the occupation of the 100th dwelling the allotment area shall be provided in accordance with the Allotment/Noise/Utilities Plan - RG/AP Rec D received on 21/08/2012 in relation to R10/1281. This permission does not convey any approval for the Electricity Substation or Gas PRS shown on this plan.

REASON:

In the interest of visual and residential amenity.

CONDITION: 9

Unless otherwise agreed in writing by the Local Planning Authority the development shall not be carried out other than in accordance with the Woodland Management Plan for Rugby Gateway, February 2012 - JBA10/180 AR02 Rev C received on 06/09/2012 in relation to R10/1281.

REASON:

In the interest of health and safety.

CONDITION: 10

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, and the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, or any order revoking or re-enacting those orders, no development shall be carried out to the plots listed below which comes within Classes A or E of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority.

This condition relates to the following plots: 1, 8, 9, 14, 17, 25, 30, 40, 44, 47, 50, 53, 68, 74, 75, 76, 77, 79, 83, 84, 86, 95, 101, 104, 111, 119, 123, 125, 145, 155, 156, 163, 172, 179, 203, 211, 218, 223, 226, 235 & 241.

REASON:

In the interest of visual and residential amenity.

CONDITION: 11

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, and the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, or any order revoking or re-enacting those orders, no development shall be carried out to any dwelling hereby approved which comes within Classes B, C or D of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority.

REASON:

In the interest of visual and residential amenity.

CONDITION: 12

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that order, no wall, fence, gate or other means of enclosure shall be erected, constructed or placed in front of the dwellings without the prior written permission of the Local Planning Authority.

REASON:

In the interest of visual amenity.

CONDITION: 13

Unless otherwise agreed in writing with the Local Planning Authority, no dwelling shall be first occupied until the estate roads, including footways serving it, have been laid out and constructed to an adoptable standard in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.

REASON:

In the interest of highway safety.

CONDITION: 14

No dwelling shall be occupied unless and until the car parking facilities to serve that plot have been provided.

REASON:

In order to ensure that satisfactory parking and access arrangements are maintained within the site.

CONDITION: 15

No development shall commence unless and until a scheme detailing the provision of footway / cycleway improvements on the A426 have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The scheme is required to be implemented in full, prior to occupation of the first dwelling.

REASON:

In the interest of highway safety.

CONDITION: 16

The landscaping scheme, as detailed on the approved plans and approved in relation to condition 8, shall be implemented no later than the first planting season following first occupation of the development. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variations.

REASON:

To ensure the proper development of the site and in the interest of visual amenity.

CONDITION: 17

Unless otherwise agreed in writing by the Local Planning Authority the development shall not be carried out other than in accordance with the Landscape & Green Infrastructure Plan contained with ES Appendix 7.11 Green Infrastructure Strategy, July 2010 received on 05/04/2012 in relation to R10/1281.

REASON:

In the interests of biodiversity and amenity.

CONDITION: 18

Development shall not commence unless and until an Environment and Species Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The surveys, mitigation, contingency measures and all construction activities shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

REASON:

To protect species and features of recognised nature conservation in accordance with PPS9.

CONDITION: 19

Unless otherwise agreed in writing by the Local Planning Authority all habitat creation works shall be carried out in accordance with the Habitat Creation/Restoration Scheme, Gateway Rugby Phase 1, February 2012, Rev D July 2012 received on 13/07/2012 in relation to R10/1281.

REASON:

In the interests of biodiversity.

CONDITION: 20

No dwelling shall be occupied until the bat mitigation measures contained in the Bat Box Location Completion Report, Gateway Rugby Phase 1, February 2012 received on 05/04/2012 in relation to R10/1281.

REASON:

To ensure protected species are not adversely affected by the development.

CONDITION: 21

Prior to the commencement of development tree protection measures shall be implemented in accordance with the approved tree protection details: Arboricultural Implications Assessment and Arboricultural Method Statement Combined Rugby Gateway February 2012 JBA10/180 AR01 Rev A, revised version including amended plans JBA10/180 TS01/A, JBA10/180 TS02/A, JBA10/180 TS03/A and JBA10/180 TS04/A received on 26/06/2012 in relation to R10/1281.

REASON:

To ensure retained trees are not adversely affected by the proposals.

CONDITION: 22

No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS5837:2005 (Recommendations for Tree Work) and should be carried out before the commencement of development.

REASON:

In the interest of visual amenity.

CONDITION: 23

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before first occupation of the development.

REASON:

To ensure the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem, to minimize the risk of pollution and protect the water environment.

CONDITION: 24

Development shall not be carried out other than in accordance with the Construction Method Statement Rugby Gateway R1, February 2012 Rev D received on 05/09/2012 in relation to R10/1281.

REASON:

In the interests of amenity.

CONDITION: 25

Work on site and deliveries must not occur outside the following hours: -

Monday - Friday 7.30 a.m. - 18.00 p.m.

Saturday 8.30 a.m. - 13.00 p.m.

No work or deliveries on Sundays or Bank Holidays

No piling on Saturdays, Sundays or Bank Holidays.

REASON:

In the interests of amenity.

CONDITION: 26

Prior to the occupation of the development the Acoustic Fence should be provided in accordance with the Allotment/Noise/Utilities Plan - RG/AP Rec D received on 21/08/2012 in relation to R10/1281 and this shall be retained at all times.

This permission does not convey any approval for the Electricity Substation or Gas PRS shown on this plan.

REASON:

In the interests of residential amenity.

CONDITION: 27

The acoustic glazing shall be provided in accordance with the Environmental Noise Report 1006128-RPT-00002 Rev B received 18/07/2012 in relation to R10/1281 and the Allotment/Noise/Utilities Plan RG/AP Rev D received 21/08/2012 in relation to R10/1281.

PLEASE NOTE: This decision does not give approval for the Electricity Substation or Gas PRS shown on this plan.

REASON:

In the interests of residential amenity.

CONDITION: 28

No development shall commence unless and until an On-Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interests of sustainability.

CONDITION: 29

Post excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the Rugby Gateway Written Scheme of Investigation for further Archaeological Works, CA Project 3363 December 2011 Issue 5 received 16/04/2012 in relation to R10/1281, the Define letter of 30/04/2012 reference 047 KC 300412 RBC and Cotswold Archaeology letter of 28/05/2012 reference 660059 submitted in relation to R10/1281.

If any works other than those associated with the flood alleviation ponds are carried out within the open space areas a report of fieldwork carried out should be produced and deposited with the County Archaeologist

REASON:

In the interests of archaeology.

CONDITION: 30

The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been provided as shown on plan 111718-100/A marked up by Warwickshire Fire and Rescue received on 14/09/2012 as per agent's e-mail of 17/09/2012, in relation to R10/1281.

REASON:

In the interests of fire safety.

CONDITION: 31

Unless otherwise agreed in writing by the Local Planning Authority the dwellings hereby permitted shall be constructed to achieve a minimum water efficiency standard equivalent to Code Level 4 of the Code for Sustainable Homes (i.e. a maximum indoor water consumption of 105 litres per person per day.)

REASON:

In order to ensure water efficiency through sustainable design and construction.

CONDITION: 32

The dwellings shall be constructed to comply with the published Building Regulations that are relevant at the time of construction.

REASON:

To ensure sustainable design and construction.

REASON FOR APPROVAL:

The principle of the development is acceptable in accordance with policy CS3 of the Rugby Borough Core Strategy 2011.

On balance, the design, siting and external appearance, including energy conservation, of the development would not cause significant harm to the amenities of nearby properties or to the appearance and character of the locality or the setting of the Brownsover Conservation Area or the Listed Building of Brownsover Hall and as such would comply with policy CS16 of the Rugby Borough Core Strategy 2011 and saved policy E17 of the Rugby Borough Local Plan 2006.

The proposal has demonstrated that sufficient protection and mitigation can be provided to flora and fauna and therefore the proposal would accord with policies saved GP2 & E6 of the Rugby Borough Local Plan 2006. The provision of public open space on site together with off-site financial contributions for Swift Valley Nature Reserve and both outdoor and indoor sports facilities means the proposal would not conflict with saved policies H11, H12, LR1 & LR3 of the Rugby Borough Local Plan, 2006.

Subject to improvements, an acceptable highway access can be achieved with an adequate layout and parking provision within the site. The proposal will accord with policies CS11 and CS12 of the Rugby Borough Core Strategy 2011 and saved policy T5 of the Rugby Borough Local Plan, 2006.

Adequate mitigation measures can be put in place to safeguard matters in relation to archaeology, flood risk, drainage, noise, air quality and contamination. Therefore, the proposal will accord with the NPPF.

The provision of on-site affordable housing and off-site contributions towards education together with the other obligations stated above would result in the compliance with policy CS19 of the Rugby Borough Core Strategy 2011.

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner and have sought a range of updated and amended plans to overcome issues, in accordance with paragraphs 186 and 187 of the NPPF.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Council Core Strategy, 2011 - CS3, CS10, CS11, CS12, CS15, CS16, CS17, CS19

Rugby Borough Local Plan 2006 Saved Policies - GP2, E6, E17, T5, H11, H12, LR1, LR3

Housing Needs SPD, March 2012

Sustainable Design and Construction SPD, February 2012

Planning Obligations SPD, March 2012

National Planning Policy Framework, 2012

The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site www.rugby.gov.uk or at the Council Offices.

INFORMATIVE: 1

Warwickshire Police recommend that the development is built to Secured by Design Standards.

INFORMATIVE: 2

i) The applicant/developer is advised to contact the British Waterways Works Engineering Team in order to ensure that any necessary consents are obtained and that the works comply with "Code of Practice for Works affecting British Waterways."

ii) British Waterways offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location.

INFORMATIVE: 3

Public Right of Way, RB1, shall not be obstructed during the course of development or following its completion.

INFORMATIVE: 4

This development is subject to a s106 legal agreement.

INFORMATIVE: 5

The estate roads including footways, cycleways, verges and footpaths should be designed, laid out and constructed in accordance with the Highway Authority's specification. The applicant / developer is advised that they should enter into a Highway Works Agreement with the Highway Authority made under Section 38 of the Highways Act 1980 for the adoption of the roads. The approval of plans for the purposes of the planning permission hereby granted does not constitute an approval of the plans under Section 38 of the Highways Act 1980. An application to enter into a Section 38 Highway Works Agreement should be made to the Development Group, Warwickshire County Council, Environment and Economy Directorate, Shire Hall, Warwick, CV34 4SX.

INFORMATIVE: 6

The approved plans require works to be carried out within the limits of the public highway. The applicant / developer must enter into a Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant / developer should note

that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278. An application to enter into a Section 278 Highway Works Agreement should be made to the Development Group, Warwickshire County Council, Environment and Economy Directorate, Shire Hall, Warwick, CV34 4SX.

INFORMATIVE: 7

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

Reference number: R12/0055

Site address: 53 North Road, Clifton Upon Dunsmore

Description: Erection of single storey and two storey extensions to front and first floor and single storey extensions to rear

Case Officer Name & Number: Alice Cosnett – 01788 533489

The application has been brought before the Planning Committee at the request of Councillor Hunt.

Site Description

No.53 North Road is a detached brick built dwelling which is located within the Village Boundary of Clifton Upon Dunsmore. Part of the front curtilage of the dwelling is located within the Conservation Area. The front boundary of the property consists of a 2m high brick wall with leylandii hedging which grows above this. The streetscene of North Road consists of a variety of dwellings of varied form and character. The building line of the north side of North Road is fairly regimented, with the exception of no.55-57 which project forward in relation to the building line of no.27-53 by some 13m.

Proposal Description

Planning permission is sought for the erection of a single storey extension to the front of the dwelling to facilitate the creation of a two bay garage and a leisure and games room. It will project beyond the frontage of the existing dwelling by 11.4m and have a height of 3.85m. Permission is also sought for the replacement of the existing curved bay window feature to the front of the dwelling with a two storey extension which will project out from the frontage of the dwelling by 1.5m, have a width of 4.25m and total height of 7.3m. This element will enlarge the existing hipped gable on the front elevation.

The proposal also includes the erection of extensions to the rear of the dwelling to include a first floor extension over the existing single storey element and erection of a single storey extension. The first floor element will have a total height of 7.4m whilst the single storey element will have a total height of 3m. The extensions will be constructed in brick to match that used in the construction of the existing dwelling. The south (front) elevation of the existing dwelling will however be finished in render.

Relevant Planning History

R79/0450/10809/P	Erection of two storey side and single storey rear extension	Approved 6.8.1979
R87/1939/10809/P	Erection of single storey side extension	Approved 20.2.1988

Technical Consultation Responses

WCC Ecology – no objection subject to a condition and informatives

RBC Arboricultural Officer – Permission has been granted to remove two conifers of limited value to the front which were interfering with the wall. Whilst more trees will be removed as a result of the development no objection is raised as they are of low value. Recommend informative is attached to request that two new trees are planted on either side of the gate to maintain some continuity of tree cover and to enhance the proposals.

Third Party Responses

Councillor Hunt – Application called into Planning Committee and site visit requested for the following reasons:

- The majority of the front extension falls within the Conservation Area
- The proposed front extension, by virtue of its size, represents overdevelopment of the site, especially as it involves the loss of front garden and green space
- Unsympathetic addition to the character and appearance of the Conservation Area
- Adverse impact on character of area – approval of front extension will set a precedent for other properties in North Road, therefore altering the building line
- Adverse and unsympathetic impact on the setting of the Cottages and Wesleyan Chapel (designated as ‘importance unlisted buildings’ in the Conservation Area Appraisal)
- Proposed development is overbearing, out of scale and out of character in terms of its appearance compared with the adjacent properties
- Adverse impact on residential amenity – noise from leisure/games room, loss of privacy from larger windows on side elevation and overshadowing
- By virtue of its size, height, design, massing, position and relationship with the adjacent properties, the development represents an un-neighbourly form of development which is unsympathetic to the character of the surrounding area and Conservation Area
- Insufficient car parking provision within the site for the size of the property – the proposed garages will prevent other cars from being parked within the curtilage of the site encouraging on-street parking

Clifton-upon-Dunsmore Parish Council – object for the following reasons:

- The scale of development is over intensive
- It will restrict light to neighbouring properties
- Loss of privacy to neighbouring properties
- The extent of the front extension is not acceptable

The Parish Council reiterated these concerns in response to the amended plans

Neighbours – Five letters were received from five neighbouring households raising objection on the originally submitted scheme for the above planning reasons:

- The proposed front extension will be detrimental to the character and appearance of the Conservation Area for which the extension projects into, therefore contravening the contents of the Clifton-upon-Dunsmore Conservation Area Appraisal
- The front extension will fail to preserve and enhance the adjacent important unlisted buildings (defined as such within the Clifton-upon-Dunsmore Conservation Area Appraisal) which contribute toward an attractive local scene, a unique environment and heritage
- The front extension will harm the well established Hawthorne hedge along the side boundary
- The proposed close board fence along east boundary will have an adverse impact on the area
- The front extension fails to respect the building line with of no.27-53
- Increased noise and disturbance from the proposed games room and any ventilation extraction fans
- Seek assurances that no roof lights will be inserted into the roof slope of the proposed games room
- Concern over possibility of an additional storey over forward projecting extension
- Car turning space to be provided is too tight
- Loss of privacy caused by increased size of windows in side elevation
- Concern over the grey finish to the windows
- Scale and size of development is not in keeping with surroundings or Conservation Area
- Loss of light and overbearing caused to neighbouring properties
- The proposed front extension will set a precedent for the approval of other similar schemes

- The extension to the rear is out of proportion with neighbouring properties

Five letters of objection were received from four households in response to the amended scheme reiterating the same reasons for objection. Three further reasons for objection were also raised:

- The existing access lacks adequate visibility and would be detrimental to highway safety
- Bats could be harmed if not correctly investigated and reported
- The front extension would set a precedent on the north side of North Road which could lead to a proliferation of development, denigrating the wide green spaces and verges which are a feature of the road.

Relevant Planning Policies and Guidance

Core Strategy

CS16	Sustainable Design	Complies
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Saved Local Plan Policies

E6	Biodiversity	Complies
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T5	Parking Facilities	Complies
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Other Documents

Sustainable Design and Construction SPD	Complies
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Planning Obligations SPD	Complies
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National Policy

National Planning Policy Framework (NPPF)

Part 7 – Requiring good design	Complies
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Part 12 – Conserving and enhancing the historic environment	Complies
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Assessment of Proposals

In the assessment of this application, the determining factors are the impact of the proposed development on the qualities, character and amenity of the area, the Clifton Upon Dunsmore Conservation Area, amenity of neighbouring properties, impact on protected species and impact on parking provision.

Impact on the qualities, character and amenity of the area

Policy CS16 states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. Part 7 of the NPPF emphasises the importance of good design and the integration of new development into the natural, built and historic environment. In addition, Part 12 of the NPPF emphasises the importance of sustaining and enhancing Conservation Areas as a heritage asset.

The Sustainable Design and Construction SPD states that extensions which project beyond the front of the original dwelling can completely change the form of the dwelling. It therefore states that generally only modest extensions which reflect the character of the existing property will be allowed. The proposed leisure/games room and garage extension projects beyond the front elevation of the dwelling by 11.4m, having a maximum width of 5.7m and height of 3.85m. Given that the extension projects into the Clifton Upon Dunsmore Conservation Area which extends into part of the front curtilage of the dwelling, the impact of the extension on both the character and setting of the Conservation Area needs to be considered.

Whilst this extension is not modest in size, given the site circumstances, it is not considered that, on balance, it will cause such significant harm to the visual amenity of the streetscene or character and setting of the Conservation Area so as to justify a refusal of planning permission. This is having regard to the formation of the building line which sees no.55 (the neighbouring property to the east of the site) sited significantly forward on its plot in relation to the application dwelling. Therefore whilst the extension projects forward of the principal elevation of the dwelling by some 11.4m, it remains stepped back from the frontage of the neighbour, no.55, by 1.805m. No.55 North Road is identified within the Clifton Upon Dunsmore Conservation Area Appraisal as an important unlisted building, providing good quality architecture which contributes toward the overall appearance of the Conservation Area. Having assessed the impact of the proposed forward projecting extension on this cottage, given that the extension is relatively modest in height and no.55 will remain stepped forward on its plot in relation to the application dwelling, it is not considered that the impact to this dwelling is so adverse so as to warrant a refusal of planning permission.

Furthermore, as existing the front boundary of the site is lined by a high brick wall (approximately 2m in height) which is intended to be retained and as such, much of the view of the proposed garage from the wider streetscene will be obscured. Therefore whilst it is not preferable for extensions to project beyond the principal elevations of dwellings, having regard to the specific circumstances that the application site benefits from, on balance this element is not considered to have such an adverse impact upon the qualities, character and amenity of the area so as to justify a refusal of planning permission.

Permission is also sought for the erection of a two storey front extension to replace the existing bay window feature. Although an extension to the front of the dwelling, given that it is only slightly larger than the existing bay window feature, it is not considered that its forward projection will become a dominant feature of either the plot itself or the wider streetscene. In addition, its design is considered to be in keeping with the existing dwelling and will not detract from the appearance of it.

The proposed extensions to the rear of the dwelling will not have an impact upon the visual amenity of the streetscene and having regard to the large site that the dwelling occupies, it is not considered that they will represent overdevelopment of the site. The extensions are proposed to be constructed in brick to match that used in the existing dwelling, whilst the south (front) elevation will be finished in render. Given that the dwellings along the streetscene are constructed in a variety of materials (including brick, render and timber cladding) it is not considered that the use of render on the south elevation of the dwelling will detract from the appearance of streetscene or have an adverse impact upon the character or setting of the Conservation Area.

The proposed development is therefore not considered to, on balance, cause a detrimental impact to the qualities, character and amenity of the area and will not cause significant harm to the character and setting of the Clifton Upon Dunsmore Conservation Area therefore complying with the relevant section of Policy CS16 and Part 7 and 12 of the NPPF.

Impact upon the amenity of neighbouring properties

Policy CS16 also states that development should ensure that the amenities of existing and future neighbouring occupiers are safeguarded.

No.55 has a small window on its front elevation within relatively close proximity to the application site and the proposed garage. The 45 degree line has been drawn from the centre point of it which is not breached by the proposed garage. Therefore it is considered that this element of the proposal will not cause a detrimental loss of amenity to this room either by way of overbearing or overshadowing. There is also a glazed door and windows on the rear elevation. When drawing the 45 degree line from these windows the lines are breached by the proposed front extension, rear extension and existing dwelling. Despite this, it is not considered that the development will cause such a loss of amenity so as to warrant a refusal of planning permission. The proposed extension to the front of the dwelling is relatively modest in height (3.85m to ridge, 2.6m to eaves), with a pitched roof which slopes downwards as it progresses toward the neighbouring boundary. Furthermore, having regard to the orientation of the two dwellings

(with the neighbour sited to the east of the application site) it is not considered that a significant loss of amenity will arise to the rooms that these windows serve by way of either overbearing or overshadowing. Although the 45 degree line is also breached by the proposed extension to the rear of the dwelling, given that it is already significantly breached by the existing dwelling, it is not considered that the proposed rear extensions will cause such a significant additional impact to the amenity of this neighbouring property so as to justify a refusal of planning permission.

The 45 degree line has also been conducted from the glazed door on the front elevation of no.51, the neighbouring property to the west of the application site. Although the line is breached by the proposed garage as this door is most likely to be serving a hallway (and as such a non-habitable room) any loss of amenity will not be so significant to warrant a refusal of planning permission. Furthermore, the garage is sited in excess of 12m from this glazed door and as such, it is unlikely that it will cause a significant loss of amenity either by way of overbearing, overshadowing or overlooking. The 45 degree line has also been drawn from the window on the rear elevation of the dwelling which is within nearest proximity to the application site. As the line is not breached by any of the proposed extensions to the rear of the dwelling it is not considered that they will result in a significant loss of light or overbearing impact to this neighbour. It is proposed that bi-fold doors will be inserted along the side elevation of the single storey extension. However, as an existing close board fence lines the side boundary of the application site, it is not considered that these doors will result in any significant loss of amenity to either the dwelling or garden area associated with no.51.

It is therefore concluded that the proposed development will not have a detrimental impact upon neighbouring amenity and as such complies with the relevant section of Policy CS16.

Impact on protected species

Saved Local Plan Policy E6 states that the Borough Council will seek to safeguard, maintain and enhance features of ecological and geological importance. A bat survey, which included external and internal inspection of the parts of the building being affected by the proposed extension, has been submitted with the application. The report states that no evidence of bats was found, although the building does offer a number of features suitable for crevice-dwelling bats such as pipistrelles. Therefore as the building offers roosting potential, the County Ecologist has confirmed that further surveys will be required. The bat survey suggests the wording for a condition which would allow development up to first floor level, therefore not affecting the features of the main roof until the suitable surveys have been carried out. The County Ecologist has confirmed that the wording of this condition is acceptable and therefore subject to the attachment of this and two informatives relating to great crested newts and nesting birds, it is considered that the development complies with the contents of Saved Local Plan Policy E6.

Impact on parking and highway safety

Saved Local Plan Policy T5 states that planning permission will only be granted for development which incorporates satisfactory parking facilities. Furthermore, the Planning Obligations SPD details parking standards which should be provided for various types of development. The proposals will facilitate the creation of a 6 bed unit but the Planning Obligations SPD does not outline parking standards for units of more than 4 bedrooms – stating that 3 spaces should be provided per 4 bed unit. Two spaces will be provided by the garage in the proposed front extension and whilst this element removes some of the block paving to the front of the dwelling, there is still space available to park at least two further cars. Therefore, whilst there are no defined car parking standards within the Planning Obligations SPD, it is not considered that the proposed development will result in the need to park cars on-street – with adequate space provided within the site to park 4 cars. The development therefore complies with the contents of Saved Local Plan Policy T5 and the contents of the Planning Obligations SPD.

Recommendation:

Approve subject to appropriate conditions

DRAFT DECISION

APPLICATION NUMBER

R12/0055

DATE VALID

09/08/2012

ADDRESS OF DEVELOPMENT

53 NORTH ROAD
CLIFTON UPON DUNSMORE
RUGBY
CV23 0BN

APPLICANT/AGENT

David Benn
Viner & Co
28 High Street
Kenilworth
Warwickshire
CV8 1LZ
On behalf of Mrs Walker

APPLICATION DESCRIPTION

Erection of single storey and two storey extensions to front and first floor and single storey extensions to rear

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

The development to which this permission relates must not be begun later than the expiration of three years from the date of this permission.

REASON:

To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

CONDITION 2:

Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:

application form, design and access statement and plan no.3550/01 received by the Local Planning Authority on 9 August 2012 and plan no.3550/04B and 3550/05B received by the Local Planning Authority on 9 October 2012.

REASON:

For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority.

CONDITION 3:

The facing materials to be used on the external walls and roof shall as specified on the application form, received by the Local Planning Authority on 9 August 2012 and on plan no.3550/05B received by the Local Planning Authority on 9 October 2012.

REASON:

To ensure a satisfactory external appearance and for the avoidance of doubt.

CONDITION 4:

The first floor windows to be formed in the east elevation of the proposed development shall not be glazed or reglazed other than with obscure glass.

REASON:

To protect the residential amenity of neighbouring properties.

CONDITION 5:

No works to commence at first floor level that may be potentially disturbing to bats until bat activity surveys of the site have been conducted by an experienced ecologist at an appropriate time of year and the results of the survey submitted to the Local Planning Authority and, if applicable, this should inform a detailed bat mitigation plan that should be subsequently agreed in writing by the Local Planning Authority. Works must then proceed in accordance with this document.

REASON:

To ensure that protected species are not harmed by the development.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Core Strategy
CS16 - Sustainable Design

Saved Local Plan Policies
E6 - Biodiversity
T5 - Parking Facilities

Other Documents
Sustainable Design and Construction SPD
Planning Obligations SPD

National Planning Policy Framework (NPPF)
Part 7 - Requiring good design
Part 12 - Conserving and enhancing the historic environment

The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site www.rugby.gov.uk or at the Council Offices.

REASON FOR APPROVAL:

The proposed extensions are not considered to, on balance, cause detrimental harm to the qualities, character and amenity of the area and will not cause significant harm to the character and setting of the Clifton Upon Dunsmore Conservation Area, complying with the relevant section of Policy CS16 of the Rugby Borough Core Strategy 2011, the Sustainable Design and Construction SPD and Part 7 and 12 of the NPPF. The development will not adversely impact on the residential amenity in accordance with Policy CS16 of the Rugby Borough Core Strategy 2011. Additionally as the proposal does not have an adverse impact on biodiversity of the area or highway safety through parking provision, it accords with Saved Policies E6 and T5 of the Rugby Borough Local Plan 2005 as well as the contents of the Planning Obligations SPD.

INFORMATIVE 1:

In relation to Condition 4, further advice regarding the specifics of which works may potentially disturb bats should be provided by a Licensed Bat Worker but in principle this would allow for the demolition and construction of single storey-elements prior to the bat activity surveys being undertaken.

INFORMATIVE 2:

In view of the ponds nearby, care should be taken when clearing the ground prior to development. If evidence of great crested newts is found during development, work should stop immediately while Natural England are contacted on 0845 601 4523 for advice on the best way to proceed. Great Crested Newts and their habitat (aquatic and terrestrial areas) are protected under the 1981 Wildlife and Countryside Act, the Countryside and Rights of Way Act 2000 and the Conservation of Habitats and

Species Regulations 2010 the latter of which makes them a European Protected Species. Where newts are present a licence might be necessary to carry out the works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523.

INFORMATIVE 3:

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season, lasts approximately from March to September, so work should ideally take place outside these dates if at all possible.

N.B birds can nest at any time, and the site should ideally be checked for their presence immediately before work starts, especially if during the breeding season.

Reference number:

R12/1931

Site address:

9 The Green, Bilton, Rugby, CV22 7LZ.

Description :

Erection of a two storey side and rear and a single storey rear extension (Amendment to a previously approved scheme under planning reference number R12/0805 granted 5th July 2012 for the erection of a two storey side and rear and a single storey rear extension)

Case Officer Name & Number:

Nisar Mogul. 01788 533688

Relevant decisions

R12/0805 - Erection of a two storey side and rear and a - Approved 5/7/12.
single storey rear extension.

Technical Consultations

WCC Ecology - No objections subject to informatives.

Tree Officer - No objections subject to conditions.

WCC Archaeology - No objections subject to conditions.

Third Party Consultations

Neighbours – No responses.

Other relevant information

The application site is a two storey detached dwellinghouse that lies within the Rugby Urban Area of Bilton and is within the Bilton Conservation Area.

The property is set back from the road and is adjacent to a public footpath that runs along the western elevation of the property and has a single storey side extension to this elevation serving a store area. To the front elevation there are bay windows to both the ground floor and first floor to a two storey element that projects forward of the main body of the house. There is a porch area over the existing front entrance door and a mono-pitch roofed side extension to the eastern elevation.

The western boundary is screened by tall dense hedging with the rest of the boundaries screened with a combination of 2 metre high close boarded fencing and similar sized hedges and small trees.

The immediate neighbouring property, No. 7 The Green, is a similar style detached dwelling to that of the application site and has a blank first floor side elevation and a single storey rear extension nearest to the boundary of its other neighbouring property, No.5.

To the other side of the application site is No.13 The Green. To the ground floor of this property is a retail shop with residential flats to the first floor and rear of the retail shop area. There are several windows to the first floor side elevation that face the application site.

Summary of the proposal

The proposal consists of a two storey side extension that predominantly is set in circa 400mm from its side boundary, a two storey rear extension and a single storey rear extension. The proposal will provide a larger lounge area, a new sitting room and a family room to the ground floor. To the first floor there are a couple of additional bedrooms and an additional bathroom area. This application is a resubmission of a similar scheme previously approved with the only difference being that the two storey rear element now projects further out 200mm and the single storey rear extension projecting out a further 550 mm than the previously approved scheme.

Planning Policy Guidance

CS16	Sustainable Design	Complies
NPPF	- Conserving and enhancing the historic environment	Complies
E6	Biodiversity	Complies
SDC	Residential Design Guide	Complies

Determining Considerations

The main issues concerning this application are the impacts of the proposal upon visual and residential amenities and the impact on the Bilton Conservation Area.

The proposed extensions will be similar in style to the existing dwelling and incorporates similar window style to the existing, whilst still leaving the existing bay windows to the front elevation as the focal point of the property. Furthermore, the extension sits comfortably with the main dwelling as the side extension is designed to be marginally set back from the main body of the dwelling. To the rear three gable elements are introduced which break up the bulk of the proposal and add additional character to the dwelling.

The proposed extensions respect the scale and character of the existing dwelling and in addition the materials to be used in their construction are to match the existing materials on the original dwelling and therefore it is considered that the proposal will not be an overly prominent or obtrusive feature within the street scene and thereby the proposal will have limited impact on the visual amenity of the streetscene and the setting of the Conservation Area.

In terms of the impact on the neighbouring properties the extensions are adjacent to No. 7 and 13 The Green. The proposal does not include any windows to the first floor side elevation facing No.13 and therefore it is considered there will be no adverse impact on these flats in terms of overlooking or loss of privacy.

In terms of No. 7, this property is set back from the application site by approximately 2 metres and hence the proposed two storey rear element that projects out 3.2 metres and the single storey element that projects out circa 4.5 metres from the original rear elevation will not conflict with the 45 degree guidance contained within the Sustainable Design and Construction – Supplementary Planning Document, February 2012 with regards to this property and the other adjacent neighbouring dwelling. The proposal includes an obscure glazed top opening window to the first floor side elevation facing No.7, however, given that this window will be overlooking a blank gable end of No.7 it is considered that there will be minimal adverse impact on the occupants of this property in terms of overlooking or loss of privacy.

Overall, therefore it is not considered that there would not be any undue overlooking on the occupants of the neighbouring properties and in addition it is considered that the proposal would not lead to an unacceptable degree of loss of sun light, daylight or cause a sense of enclosure.

The proposal therefore accords with policy CS16 of the Rugby Borough Core Strategy 2011, NPPF relating to Conserving and enhancing the historic environment as well as the SDP - Residential Design Guide.

The Tree Officer has commented on the proposal and has raised no objections subject to a condition being attached to any planning approval.

WCC Ecology have no objection to the application, subject to an informative. Subject to this the impact on protected species is considered acceptable in accordance with saved policy E6.

Warwickshire Archaeology have commented on the proposal and have stated that the proposed groundworks have the potential to disturb archaeological deposits, although they have no objection to the proposal subject to an appropriate condition.

Report prepared by : Nisar Mogul.

Recommendation:

Approve, subject to conditions and informatives.

DRAFT DECISION

APPLICATION NUMBER

R12/1931

DATE VALID

10/10/2012

ADDRESS OF DEVELOPMENT

9 The Green
Bilton
Rugby
CV22 7LZ

APPLICANT/AGENT

Mr Philip Baumber
Philip Baumber Architectural Limited
50 Radmore Road
Hinckley
Leicestershire
LE10 0RQ
On behalf of Mr & Mrs S SULLIVAN

APPLICATION DESCRIPTION

Erection of a two storey side and rear and a single storey rear extension (Amendment to a previously approved scheme under planning reference number R12/0805 granted 5th July 2012 for the erection of a two storey side and rear and a single storey rear extension)

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

The development to which this permission relates must not be begun later than the expiration of three years from the date of this permission.

REASON:

To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

CONDITION 2:

The development shall not be carried out other than in accordance with the amended plan numbers : 1151 / ss02 Rev C, and the site location plan at a scale of 1:1250 received by the Local Planning Authority on 10th October 2012 and the amended plan number 1151 / 03 Rev B received by the Local Planning Authority on 12th November 2012

REASON:

For the avoidance of doubt.

CONDITION 3:

The facing materials to be used on the external walls and roof shall be of the same type, colour and texture as those used on the existing building.

REASON:

To ensure a satisfactory external appearance.

CONDITION 4:

No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority

REASON:

To ensure the preservation of important archaeological remains and that any archaeological history of the site is recorded.

CONDITION 5:

The re-planting of the hedgerow to be removed , as detailed on the approved plan ref. no. ss02 Rev C, shall be implemented no later than the first planting season following construction of the extensions. If within a period of 5 years from the date of planting, any hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another hedgerow of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

CONDITION 6:

Other than that shown on the approved plans no new windows/rooflights shall be formed in the western or eastern side elevation of the existing dwelling and the proposed extension, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interest of residential amenity.

CONDITION 7:

The window to be formed in the existing western side elevation of the dwelling shall not be glazed or reglazed other than with obscure glass and shall be top opening only.

REASON:

To protect the residential amenity of neighbouring properties.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

NPPF - Conserving and enhancing the historic environment

CS16 and E6

The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site www.rugby.gov.uk or at the Council Offices.

REASON FOR APPROVAL:

The design and appearance of the proposed extensions will be in keeping with the existing dwelling and surrounding Conservation Area and does not impact on any residential properties within the vicinity it is therefore considered that the proposal will comply with the requirements of policy of CS16 of the Rugby Borough Core Strategy and NPPF - Conserving and enhancing the historic environment.

It is also considered the proposal will not have an adverse impact on protected species within the area and therefore the proposal accords saved policy E6 of the Rugby Borough Local Plan.

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.

INFORMATIVE 1:

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010 making them a European Protected Species. It is a criminal offence to recklessly disturb or destroy a known or suspected bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a licence may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523. The applicant is advised that to ensure no bats are endangered during destructive works, the roof tiles should be removed carefully by hand. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 01453 764450 for advice on the best way to proceed.

INFORMATIVE 2:

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season lasts approximately from March to September, so work should ideally take place outside these dates if at all possible. N.B birds can nest at any time, and the site should ideally be checked by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season.

INFORMATIVE 3:

The applicant is respectfully advised that as additional planting is proposed for the site, indigenous tree and shrub species should be used, preferably of local provenance. Such plants are visually attractive, and have a far higher value for local wildlife than cultivated, non-native plants.

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	28 th November 2012
Report Title	Overview of Development Control Performance following Systems Thinking Review
Portfolio	N/A
Ward Relevance	All
Prior Consultation	None
Contact Officer	Nick Freer, Development Control and Enforcement Manager
Report Subject to Call-in	N/A
Report En-Bloc	N/A
Forward Plan	N/A
Corporate Priorities	
Statutory/Policy Background	N/A
Summary	This report provides an overview of the underlying levels of performance that are being achieved following the End to End Service Review of the Development Control Group
Risk Management Implications	None
Financial Implications	None

<i>Environmental Implications</i>	None
<i>Legal Implications</i>	None
<i>Equality and Diversity</i>	No new or existing policy or procedure is recommended
<i>Options</i>	N/A
<i>Recommendation</i>	The report be noted
<i>Reasons for Recommendation</i>	To keep Members of the Planning Committee updated with regard to the Development Control Groups performance and customer demand.

Planning Committee - 28th November 2012

**Systems Thinking Performance. Development Control
Overview for Year End 31st March 2012**

Report of the Head of Planning and Culture

Recommendation

The report be noted.

1.1 INTRODUCTION

The Development Control team was the first within the Council to introduce a new customer focused way of working following an End to End Service Review. So that the committee can track customer demand and service performance over time this is the first of what will be a regular series of reports on performance measures.

The following information provides an overview of the underlying levels of performance being achieved within Development Control. Whilst not all of these are day to day operational measures they illustrate well how things have improved from the customer perspective.

Withdrawn Applications

Q1 2011/12 - 5 withdrawn
Q2 2011/12 - 6 withdrawn
Q3 2011/12 - 6 withdrawn
Q4 2011/12 - 4 withdrawn

The total number of withdrawn applications for last year is 21, a continuing downward trend on the previous years figures and compared to the 2008/09 figure of 92 (i.e. just before the implementation of the new way of working), now indicates well in excess of a 75% reduction in withdrawn applications which is a strong indication that customer demand, i.e. negotiated, acceptable, solutions are being delivered.

Refused Applications 2011/12

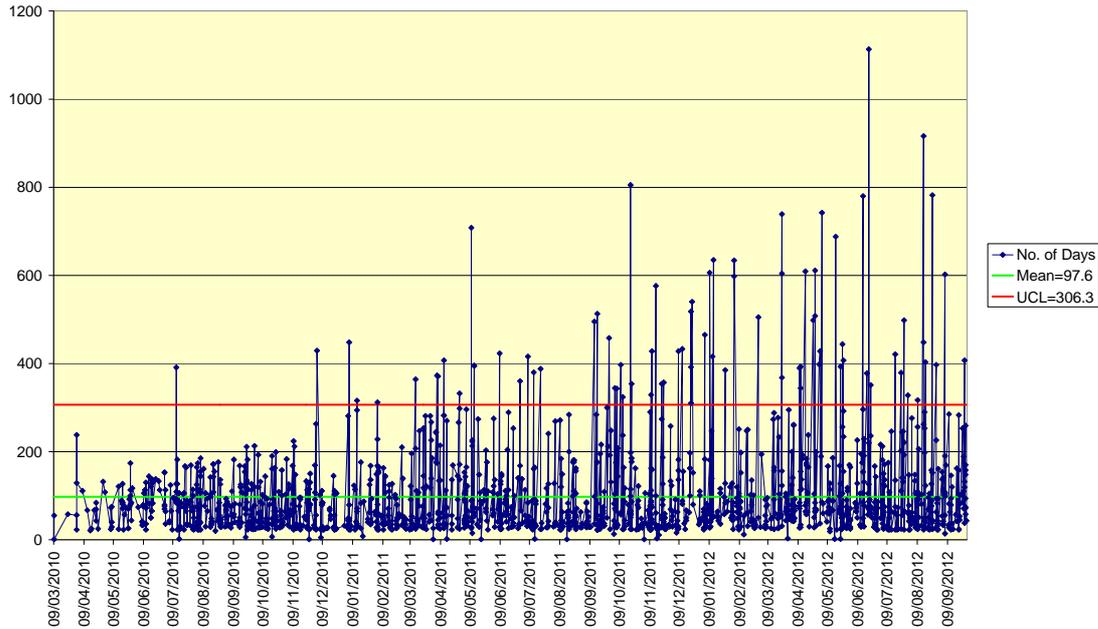
2011/12	Determined	Refused	Percentage (rounded up)
Q1	194	11	6%
Q2	195	11	6%
Q3	220	6	3%
Q4	197	11	6%

Although the percentage of refusals has continued to fall slightly in 2011/12 (4.84%) compared to 2010/11 (5.59%) the data suggests that the service has bottomed out at a refusal rate of circa 5%. However, this compares to a refusal rate of 18% for the year preceding the introduction of our new way of working.(i.e. a ratio of 1 in 20 rather than 1 in 5) which suggests a nearly 75% reduction in refusals, which in turn suggests a greater resolution of contentious applications and would suggest, therefore, increased customer satisfaction. It is important to remember that these decisions are, generally speaking, by the same set of planners, so standards haven't been dropped to get these results (i.e. they are the same quality of decisions).

End to End Times

End to end time is the time taken to deal with a demand from the moment a customer raises the issue with the Council (eg a pre-application inquiry) to the time the customer does not have to rely on the authority for any further approvals (eg. following the approval of details relating to a pre-commencement condition attached to a planning permission) End to end times are usually the most common form of measure used to analyse performance following a service review and remains the most important measure within the Development Management service. In September 2011 the end to end time was circa 85 days (approximately half the time that was identified in the "check" stage of the end to end review) This figure steadily but slowly rose to a figure of 97.6 (September 2012). To put this figure into context, the service had 4 less planners (a 30% reduction) compared to the start of the previous autumn. In addition, the longer the new system is in place, there is an natural increase in the likelihood for demands that have been dealt with by a certain date to become re-opened at the customers behest (e.g., amendments) which understandably extends the end to end time. However, despite this slow rise it's important to remember that the figure is still significantly less than before the service introduced systems thinking (slightly less than 50% of the time customers previously had to spend with the Council)

End to End Time



Telephone Calls

Telephone calls are now taken direct by the planners rather than being routed via the contact centre and the volume of calls received has significantly decreased as failure demand has been reduced. The telephone system that is currently operational within the service doesn't enable the collection of directly comparable call volume data. However, prior to the systems thinking review 14,700 calls were logged as received in 2008 and 12,435 calls were logged as received in 2009. Although we don't have the figures to make a direct comparison it is abundantly clear that the service receives no where near this volume of calls. Consequently, it is fairly safe to assume that a high percentage of those calls were failure demand. Those calls that do come in are now directly answered by a planner (as opposed to an administrator or contact centre operative) which reduces delay and increases efficiency and effectiveness in answering those demands.

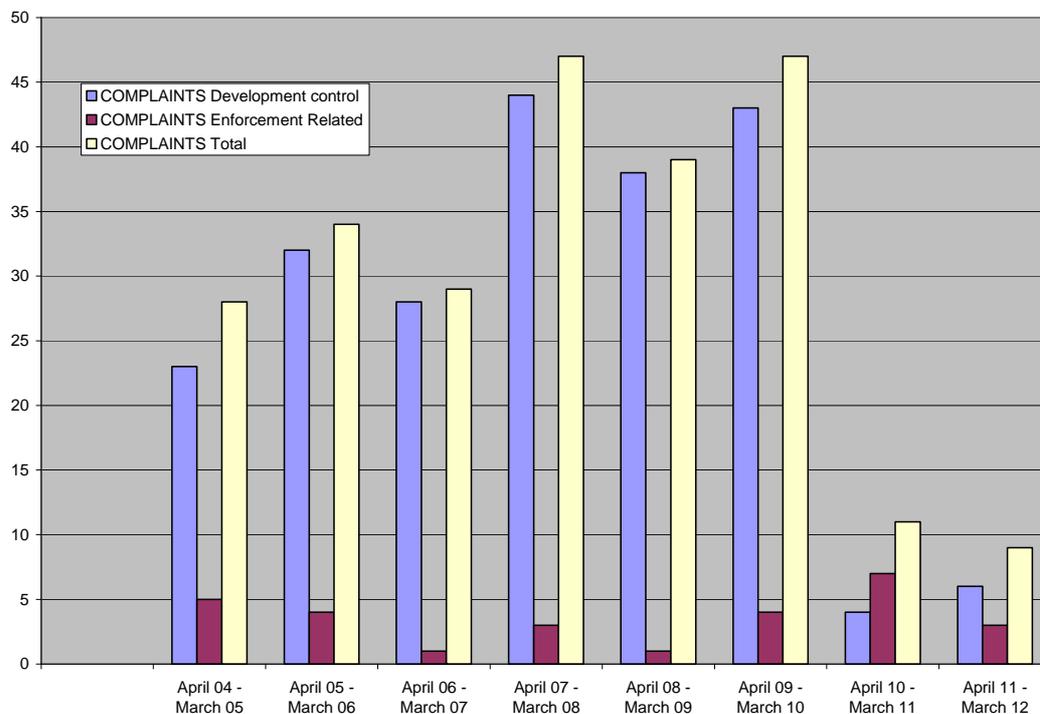
Appeals

2008/09	50
2009/10	46
2010/11	42
2011/12	37

The trend is clearly one of a year on year reduction (26% overall since introducing the new way of working) as increasing numbers of contentious applications are resolved by negotiation and compromise to the satisfaction of both customers and officers. It's also important to remember that these figures include enforcement appeals which by their nature are contentious and relatively high in number compared to ordinary planning appeals. It goes without saying that freeing up officer time from resolving appeals means that more time can be spent on incoming demand.

Complaints and Compliments

The service received 4 formal complaints relating to the Development Management issues between April 2010 to March 2011 (and 7 relating to Enforcement issues) From April 2011 to March 2012 the service have received 6 formal complaints relating to Development Management issues and 3 relating to enforcement issues so the service appears to be holding steady at a significantly reduced level. The chart below highlights the dramatic drop in such complaints following the bedding in of the new way of working during 2009/10.



In terms of compliments the relevant data is set out below. To put this information in perspective the service was receiving approximately 10 compliments per year in 2005/2006. (only 5 were received in 06/07)

Compliments for Development Management (excluding Enforcement)

April 07 to March 08 = 13
April 08 to March 09 = 25
April 09 to March 10 = 25
April 10 to March 11 = 22
April 11 to March 12 = 27

Although the trend is not as marked as it is with the data relating to complaints, there is still a marked upward trend.

Financial Benefits

Development Control

Savings per annum: Average from 2008/09 to 1012/13 £88,472 (total net saving £442,360)

	2008/09	2009/10	2010/2011	2011/2012	2012/2013
Costs					
Consultancy costs	£50306	£10790			
Redundancy costs		£20248	£38932		
Temporary staff costs			£47324	£10097	
Savings					
Staff savings (ongoing)		£87041	£117090	£119763	£119763
Call centre savings (ongoing)			£58800	£58800	£58800
Net annual savings (current and projected)	£50306	£56003	£89634	£168466	£178563

By radically redesigning the way that customer demands are dealt with by the planning service, significant capacity has been released and both financial and human resource savings have been made.

Following the review the structure of the Development Management Group was significantly altered with the removal of administrative support from the team. The planners are now responsible for carrying out the majority of work involved in processing a demand and also take the majority of telephone calls directly thereby removing the need for telephone support from the contact centre. These key changes, along with others, have reduced failure demand and increased efficiency and effectiveness. The ongoing savings are highlighted in the table above.

Summary

The underlying level of performance is one of a sound and sustainable operating model that continues to realise benefits to both customers and the Council. Performance continues to be monitored on an ongoing basis to ensure that peaks and troughs in demand can be adjusted to as necessary with regular reviews of performance as a team to identify and address areas of potential improvement.

Name of Meeting: Planning Committee
Date Of Meeting: 28th November 2012
Subject Matter: Development Control Performance
Originating Department: Planning and Culture

LIST OF BACKGROUND PAPERS

* There are no background papers relating to this item.

(*Delete if not applicable)

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	28.11.2012
Report Title	Delegated Decisions – 26.10.2012 to 15.11.2012
Portfolio	N/A
Ward Relevance	All
Prior Consultation	None
Contact Officer	Paul Varnish 3774
Report Subject to Call-in	Y
Report En-Bloc	N
Forward Plan	N
Corporate Priorities	N/A
Statutory/Policy Background	Planning and Local Government Legislation
Summary	The report lists the decisions taken by the Head of Planning and Culture under delegated powers
Risk Management Implications	N/A
Financial Implications	N/A

Environmental Implications N/A

Legal Implications N/A

Equality and Diversity N/A

Options N/A

Recommendation The Report be noted

Reasons for Recommendation To ensure that members are informed of decisions on planning applications that have been made by officers under delegated powers

Rugby Borough Council

Planning Committee – 28.11.2012

Delegated Decisions – From 26.10.2012 To 15.11.2012

Report of the Head of Planning and Culture

Recommendation

The report be noted

1. BACKGROUND

Decisions taken by the Head of Planning and Culture in exercise of powers delegated to her during the above period are set out in the Appendix attached

Name of Meeting: Planning Committee
Date Of Meeting: 28.11.2012
Subject Matter: Delegated Decisions – 26.10.2012 to 15.11.2012
Originating Department: Planning and Culture

LIST OF BACKGROUND PAPERS

Document No.	Date	Description of Document	Officer's Reference	File Reference
1.				

* The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

* Exempt information is contained in the following documents:

Document No.	Relevant Paragraph of Schedule 12A
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* There are no background papers relating to this item.

(*Delete if not applicable)

DECISIONS TAKEN BY THE HEAD OF PLANNING AND CULTURE UNDER
DELEGATED POWERS FROM 26.10.2012 TO 15.11.2012

A. APPLICATIONS – DELEGATED

**Applications
Refused**

<i>R12/1696 Refused 31.10.2012</i>	College Barn Leamington Road Rugby	Replacement detached garage and associated soft and hard landscaping.
<i>R10/1255 Refused 12.11.2012</i>	Boots Farm Straight Mile Rugby	Change of use of part of the land for the siting of 10 no. shipping containers for the provision of secure storage ancillary to the operations undertaken within existing buildings. (Retrospective)

**Applications
Approved**

<i>R12/1815 Approved 26.10.2012</i>	6 Hall Lane Wolvey	Retention of rear extension, single storey garage extension dormer windows and front porch and associated alterations [alterations to planning permission reference R11/2231 dated 23/2/2012].
<i>R12/1226 Approved 26.10.2012</i>	11 Hinde Close Brownsover	Erection of single-storey front extension and roof cover.
<i>R12/1685 Approved 26.10.2012</i>	Roselea Bourton Road	Insertion of two dormer windows into front roof slope, single storey rear extension, single storey detached garage and associated external alterations.
<i>R12/1719 Approved 29.10.2012</i>	Unit 2 Chestnut House North Street	Proposed change of use from A2 (financial and professional services) to a Nail Salon (sui-generis).
<i>R12/1830 Approved 29.10.2012</i>	23 Charter Road Rugby	Erection of a two storey and single storey rear extension.
<i>R12/1524 Approved 29.10.2012</i>	Home Farm Main Street Broadwell	Conversion of existing barn together with alterations to form a single dwelling house including the demolition of existing agricultural farm buildings.

<i>R12/1111 Approved 29.10.2012</i>	36-37 Sheep Street Rugby	Change of use of ground floor from A1 [retail] to A5 [hot food take away].
<i>R12/1672 Approved 30.10.2012</i>	3 & 4 Corbridge Place Cawston Rugby	Erection of fence along boundary and gates.
<i>R12/0774 Approved 31.10.2012</i>	31 Paddocks Close Coventry	Erection of rear dormer window.
<i>R12/1397 Approved 31.10.2012</i>	Magpie Lodge Farm Lilbourne Road	First floor side extension and 2-storey rear extensions.
<i>R12/1512 Approved 31.10.2012</i>	80 Claremont Road Rugby	Change of use of dwelling to form a six-bed house of multiple occupancy.
<i>R12/1876 Approved 02.11.2012</i>	4-5 Chestnut House North Street	Proposed change of use from A2 (financial and professional services) to a toning and tanning centre (sui-generis)
<i>R12/1568 Approved 02.11.2012</i>	44 Whittle Close Bilton	Two storey side extension and single storey rear extension
<i>R12/1757 Approved 05.11.2012</i>	The Stables Rugby Road Brandon	Erection of a single storey rear extension
<i>R10/2120 Approved 05.11.2012</i>	Gate Farm Main Street Bourton on Dunsmore	Conversion of barns to form 3 residential dwellings including demolition of modern agricultural barn and erection of garage block.
<i>R12/1843 Approved 05.11.2012</i>	Mill House London Road Dunchurch	Erection of a detached garage and stables
<i>R12/1271 Approved 05.11.2012</i>	167 Cambridge Street Rugby	Insertion of pitched roof over flat roofed bay window
<i>R12/1748 Approved</i>	87 Catesby Road Rugby	External cladding to front of property

05.11.2012

R11/0514
Approved
06.11.2012

7-15 Hillmorton Road
Rugby

Erection of railings and gates to the front of the dwellings.

R12/1887
Approved
06.11.2012

White Cottage
Little Walton
Pailton

Conversion of a residential outbuilding to a residential dwelling.

R12/1913
Approved
06.11.2012

80 Carlton Road
Bilton

Erection of a single storey rear and side extension.

R12/1541
Approved
07.11.2012

60 School Street
Hillmorton

Erection of single-storey rear extension

R12/1837
Approved
07.11.2012

Lorimar
11A Bank Street
Rugby

Change of Use of ground floor from Use Class A1 (retail) to a restaurant (Use Class A3).

R12/1255
Approved
07.11.2012

The Motte
Ell Lane
Rugby

Erection of a detached dwelling house and the provision of a double garage for the existing dwelling house

R12/1885
Approved
07.11.2012

Axe & Compass Inn
Five Ways
Wolvey

Erection of a single storey rear extension and minor external alterations to existing public house

R10/1254
Approved
08.11.2012

Boots Farm
Straight Mile
Rugby

Extension to existing building (retrospective).

R12/1436
Approved
08.11.2012

Land rear of
99 High Street
Hillmorton

Erection of detached bungalow (resubmission of previously approved scheme under planning Ref. No. R10/2052 granted 21/12/2010).

R12/1248
Approved
09.11.2012

13 Fetherston Crescent
Ryton on Dunsmore

Erection of a front porch extension.

R12/1766
Approved
09.11.2012

15 Sodens Avenue
Ryton on Dunsmore

Erection of a porch to front of property, single storey covered way and single storey rear extension to existing garage

R12/1930

235 Hillmorton Road

Retention of two storey side extension with

<i>Approved</i> 09.11.2012	Rugby	dormer window and new gable pitched roof to garage
<i>R12/1530</i> <i>Approved</i> 09.11.2012	Cherry Tree Bungalow Frankton Lane Stretton on Dunsmore	Conversion of single storey stable and outbuilding to a residential bungalow and demolition of outbuildings.
<i>R12/1929</i> <i>Approved</i> 12.11.2012	16 Southey Road Rugby	Erection of a first floor rear extension (resubmission of planning application reference R12/0081, dated 24/09/12).
<i>R12/1942</i> <i>Approved</i> 12.11.2012	15 Gainsborough Crescent Hillmorton	Erection of a two storey side extension and a single storey front and rear extension
<i>R12/1714</i> <i>Approved</i> 12.11.2012	61 Heather Road Coventry	Single storey extension to rear
<i>R12/1932</i> <i>Approved</i> 12.11.2012	74 Craven Road Rugby	Subdivision of part of ground floor to create a studio flat.
<i>R12/1700</i> <i>Approved</i> 13.11.2012	58 Grendon Drive Brownsover	Erection of garage extension to side of dwelling.
<i>R12/1950</i> <i>Approved</i> 13.11.2012	35 Tower Road Hillmorton	Erection of first floor rear extension and external alterations to dwelling including side windows.
<i>R12/1952</i> <i>Approved</i> 13.11.2012	Peppers Takeaway 195 Railway Terrace Rugby	Provision of a new shop front.
<i>R12/1558</i> <i>Approved</i> 14.11.2012	12 School Street Coventry	Rendering of the ground-floor front elevation
<i>R12/1969</i> <i>Approved</i> 14.11.2012	Thurlby Main Street Birdingbury	Continuation of use of existing domestic annexe for the provision of short term residential accommodation for business visitors.
<i>R12/1765</i> <i>Approved</i> 14.11.2012	11A Magdalen Road Rugby	Erection of single storey side and rear extension and ramped access

R12/1898 Approved 15.11.2012	Clifton Manor Lilbourne Road Clifton on Dunsmore	Conversion of former coach house, stables and hayloft into additional residential accommodation for Clifton Manor
R12/1956 Approved 15.11.2012	5 Windrush Way Long Lawford	Erection of a single storey side extension.
R12/1709 Approved 15.11.2012	Brandon Wood Golf Course Brandon Lane Brandon	Erection of a replacement balcony, provision of an access ramp and associated works.
R12/0817 Approved 15.11.2012	Lawrence Sheriff House Brownsover Lane Brownsover	Erection of rear porch.

Listed Building Consents

R12/0828 Listed Building Consent 31.10.2012	Little Lawford Hall Little Lawford Lane Rugby	Listed building consent for the insertion of a window in to a bricked up opening.
R12/1838 Listed Building Consent 15.11.2012	Lawrence Sheriff House Brownsover Lane Brownsover	Listed Building Consent for the erection of a rear porch.
R12/1902 Listed Building Consent 15.11.2012	Clifton Manor Lilbourne Road Clifton on Dunsmore	Listed Building Consent: External and Internal Alterations to Former Coach House, Stables and Hayloft
R12/1896 Listed Building Consent 15.11.2012	Clifton Manor Lilbourne Road Clifton on Dunsmore	Listed Building Consent: Internal alterations to include the removal of two sections of masonry and the insertion of a roof light to rear roof slope

Advertisement Consents

R12/1888 Temporary Advertisement Consent 02.11.2012	Rugby Gateway Corner of Leicester Road/Brownsover Lane Rugby	Erection of sales hoarding (temporary for a 6 month period).
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<i>R12/1951 Advertisement Consent 13.11.2012</i>	Peppers Takeaway 195 Railway Terrace Rugby	Provision of a internally illuminated static fascia signage.
Agricultural Determinations		
<i>R12/1752 Prior Notification Required 06.11.2012</i>	Ox House Hill Farm Southam Road Kytes Hardwick	Determination as to whether prior approval is required for erection of an agricultural storage building.
Approval of Details/ Materials		
<i>R12/1243 Approval of Details 26.10.2012</i>	Former Little Chef Site London Road Thurlaston	Change of use of existing premises from Class A5 to mixed use as Classes A3 and A5 of the Town and Country Planning (Use Classes) Order 1987, including extending and refurbishing the restaurant, provision of a drive-through lane and associated works.
<i>R12/0862 Approval of Details 29.10.2012</i>	Sunnycroft Farm Station Road Clifton Upon Dunsmore	Erection of a replacement dwelling.
<i>R10/1972 Approval of Details 30.10.2012</i>	Former Peugeot Works (Site B), Oxford Road Ryton-On-Dunsmore	Renewal of outline planning permission (R07/2010/OPS) for the redevelopment of 25.93Ha for storage and distribution (Class B8) and General Industry (Class B2) (with up to 30% B2) up to a total maximum of 120770m2, including new access on to Oxford Road (A423) [this will also allow an extension of time to implement associated reserved matters R08/1305/MAJP (Unit 1) & R08/1341/MRES (Units 2 & 3) for layout, scale, appearance & landscaping].
<i>R09//0972/MAJP Approval of Details 31.10.2012</i>	Land East of Calvestone Road Calvestone Road Cawston	Outline application with all matters reserved for the development of up to 145 dwellings.
<i>R07/2004/PLN Approval of Details 01.11.2012</i>	6 Main Street Newbold	Extension of existing dwelling and subdivision to create 2 additional dwellings together with ancillary works.
<i>R00/0590/15788/P Approval of Non- Material Changes 05.11.2012</i>	Rebeccas House Main Street Brandon	Erection of two-storey rear extension and replacement double garage

<i>R10/0511 Approval of Details 05.11.2012</i>	Bilton Silver Band Winwick Place Bilton	Renewal of planning permission R05/0329/01266/P (Demolition of existing building and erection of new rehearsal rooms and band hall, with ancillary accommodation including kitchen and toilets)
<i>R06/0054/MAJP Approval of Details 06.11.2012</i>	Boughton Road Industrial Estate Projects Drive Rugby	Outline Planning Permission for the redevelopment of land for residential purposes comprising 230no. dwellings together with means of access, access roads, car parking, public open space and landscaping.
<i>R08/0864/RSM Approval of Non- material Changes 06.11.2012</i>	Woodbine Cottage 11 High Street Ryton on Dunsmore	Approval of reserved matters pursuant to planning permission ref R06/0721/OP for the erection of a two storey dwelling.
<i>R12/0396 Approval of Non- material Changes 07.11.2012</i>	The Queens Diamond Jubilee Centre (Rugby Leisure Centre) Bruce Williams Way	Revised application for the demolition of existing leisure centre and erection of new leisure centre, including enlarged sports hall, café, parking, ancillary facilities, external works and temporary car park
<i>R09/0956/HOUS Approval of Non- material Changes 07.11.2012</i>	8 Smithy Lane Church Lawford	Erection of single storey and first floor rear extensions.
<i>R12/1426 Approval of Non- material Changes 07.11.2012</i>	19 Langton Road Rugby	Proposed two storey and single storey extensions to side and rear
<i>R10/1298 Approval of Details 07.11.2012</i>	Rugby Gateway (Part of Site) Leicester Road	Temporary stockpiling of material generated by earthworks associated with the development of phases R1 and R2 of Rugby Gateway (residential development).
<i>R12/1229 Approval of Details 08.11.2012</i>	16 Daventry Road Rugby	Conversion of building from A1 retail shop and 2 no. flats to 6 no. flats, including erection of two-storey and first floor side extensions, rear terrace, orangery and external alterations (formal amendment to planning approval R11/0289 dated 21/12/2011, to include orangery to rear and to alter floor layout and exterior of the development).
<i>R11/1118 Approval of Details</i>	Princethorpe College Leamington Road	Erection of new building to accommodate Design and Technology Specialist Classrooms

14.11.2012

and proposed extension to existing Sports Centre to create 14 classroom block together with associated works.

***Withdrawn/
De-registered***

R12/1119
Withdrawn
14.11.2012

Land North of Holywell
House
Watling Street
Shawell
Lutterworth

Retrospective Change of Use of the land for storage of scaffoldings and retention of a 1.8 metre high metal screening panels.